(1) Supreme Court, U.S.
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No. _____

In The

Supreme Court of the United States

LLOYD COX SR.,

Petitioner,

vs.

SUSAN E. LOGGANS AND ASSOC. LTD.
AND NASIF MAHMOUD, et al.,

Respondents.

On Petition For A Writ Of Certiorari
To The Illinois Appellate Court, First District

PETITION FOR WRIT OF CERTIORARI

LLOYD COX SR. PRO SE
30 West 113th Place
Chicago, Illinois 60628
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159 pp

QUESTION(S) PRESENTED

WHETHER A CLAIMANT UNDER THE FOURTEENTH AMENDMENT IS ENTITLED TO DUE PROCESS AFTER DELIBERATE INDIFFERENCE TO HIS CONSTITUTIONAL RIGHTS. ILLINOIS CIRCUIT COURT JUDGES AND DEFENDANT LAWYERS CONSPIRED TO DENY PETITIONER HIS CONSTITUTIONAL RIGHTS.

WHETHER PETITIONER'S PRIOR ATTORNEY DELIBERATELY DENIED PETITIONER HIS SEVENTH AMENDMENT RIGHTS WHEN HE WITHDREW AFTER PETITIONER REFUSED TO COMMIT AN ILLEGAL ACT AT THAT ATTORNEY'S URGING.

LIST OF PARTIES

Petitioner: Lloyd Cox Sr.

Respondents: Susan E. Loggans and Associates Ltd. and Nasif Mahmoud et al.

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PETITION FOR WRIT OF CERTIORARI

PETITIONER, Lloyd Cox Sr., respectfully prays that a WRIT OF CERTIORARI be issued to review the decision of the Illinois Appellate Court for the First District, No. 98-3192, entered on October 15, 1999.

DECISIONS BELOW

The opinion of the Illinois Appellate Court appears in Appendix A to the petition and is unpublished. The order of the Appellate Court denying a rehearing appears in Appendix B to the petition and is unpublished. The decision of the Circuit Court of Cook County appears in the Appendix C to the petition and is unpublished. The order of the Supreme Court of Illinois appears in Appendix D to this petition and is unpublished.

JURISDICTION

The date on which the highest state court decided my case was April 5, 2000. A copy of that decision appears in Appendix E. An extension of time to file the petition for a Writ of Certiorari was granted to and including September 2, 2000 on June 12, 2000 in Application No. 99A1021.

The jurisdiction of this court is invoked under 28 U.S.C. section 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

This case involves the Fourteenth and the Seventh Amendments to the United States Constitution.

STATEMENT OF THE CASE

i) Course of Proceedings and Disposition in Court below.

Petitioner brought this action to recover damages that he suffered when respondents Susan E. Loggans and Assoc. Ltd. and Nasif Mahmoud, prior attorneys of the petitioner, surreptitiously caused petitioner to lose his worker's compensation award of lifetime benefits and medical coverage, and coerced petitioner into signing a settlement agreement under threat that attorney Susan E. Loggans would withdraw if the sum of 350,000 dollars was not accepted for his personal injury claim. Said settlement was later altered by the law firm of Susan E. Loggans and the sum of $120,000 was deducted from petitioner's settlement, and that sum was used to close out petitioner's workers compensation claim of lifetime benefits.

Petitioner sought the help of attorney James D. Montgomery and filed a breach of contract lawsuit against the two previously mentioned attorneys. Attorney James Montgomery researched and worked on the case for 5 years, and petitioner paid him 10,000 dollars, he did all the necessary discovery then in May 14, 1997. Attorney Montgomery withdrew from petitioner's case 6 days

before he was to present petitioner's final expert witness for deposition. A court order was pending and the witness was to be presented pursuant to that order. The Circuit Court of Cook County in Chicago, Illinois granted his request to withdraw and in its court order located in appendix A, the order states that petitioner should allow attorney Montgomery to present the expert witness after he was no longer petitioner's attorney. Petitioner filed a motion asking the court not to allow said attorney to withdraw. Petitioner's motion was denied. Prior to James Montgomery's withdrawal he had sent a letter to petitioner and in that letter he told petitioner to instruct the expert witness how he should testify at his coming deposition. The expert witness was a doctor that petitioner was scheduled to see. Petitioner was not about to tamper with a witness and did not know what to do, so petitioner cancelled his appointment with the doctor, so no one could say that he tried to influence the doctor's testimony in any way. Montgomery withdrew just days before he was to present that witness for deposition. The letter that was sent to petitioner by Montgomery regarding the witnesse's testimony is also located in Appendix A.

Petitioner was unable to find a lawyer to represent him, so he continued *pro se*. On October 7, 1997 Judge Jacqueline Cox issued a new case management order in total disregard for the previous court order. The new court order said that petitioner must furnish interrogatories and present his expert witness by December 15, 1997. These things had previously been done by petitioner's prior attorney. The court knew or should have known that there was no need for a new court order, and the previous court order had not been complied with.

Petitioner was eventually barred from presenting an expert witness because of failure to comply with discovery rules.

Petitioner had been in compliance with disclosure rules until the court allowed his attorney to withdraw in violation of its court order. After petitioner was barred from presenting his expert witness, defendant Loggans moved for a summary judgment. Petitioner answered with his own Motion for Summary Judgment, to which there was no response from defendants.

Petitioner filed motions to have an investigative agency to check into his case, because he believed his constitutional rights were being violated (Sup. R. C235) and petitioner filed a motion for Change of Venue (Sup.R.C. 236-237).

Petitioner under Illinois Supreme Court rules is entitled to a hearing regarding his Change of Venue Motion. Illinois Supreme Court Rule 306(a)(2) from an order of the circuit court allowing or denying

> a motion to dismiss on the grounds of forum non conveniens, or from an order of the circuit court allowing or denying a motion to transfer a case to another county within this State on such grounds;

Petitioner received no hearing. Anything that happened after that motion was filed should be considered void, because the court failed to comply with the Illinois Supreme Court Rules. Petitioner also filed a motion on July 17, 1998 to have his court file turned over to an investigative agency because petitioner knew that he was being treated unfairly by the Cook County Circuit Court

system Appendix H. In that motion petitioner complained of his civil rights being violated.

On July 23, 1998, petitioner was before the court in the presence of Judge Bronstein. The judge said he would take no action in this case. Transcript of proceeding is located in Appendix F. On July 27, 1998 Judge Micheal Murray issued an order located in the Appendix G. The order states that all matters will be transferred to the trial judge. The Change of Venue Motion, Defendant Loggans' Motion for Summary Judgment, Plaintiff's Motion for Summary Judgment and the Motion to have Plaintiff's file turned over to an investigative agency. Appendix H. Petitioner believed that all the pending motions were going to be transferred to the trial judge. However, that was not the case. Defendant Loggans' Motion for Summary Judgment was granted on July 27, 1998 by Judge Micheal Murray.

Petitioner was unaware that this defendant had been granted her motion for summary judgment. Petitioner was expecting the order of July 27, 1998 in Appendix G to be in force as the court's order.

Then on July 31, 1998, defendant Loggans' counsel appeared in the court room of Judge J. P. Banks arguing for defendant Loggans to have a motion for summary judgment granted to her in this case, when in reality Loggans had already been released by Judge Micheal Murray on July 27, 1998, contrary to the order that petitioner received.

Defendant Loggans' attorney Micheal Tarpey of Donohue, Mathews, Brown and Symth, formerly of Baker and

McKenzie. Baker and McKenzie were originally defendants in petitioner's original lawsuit. Shortly after defendant Loggans became petitioner's attorney, the client Baker and McKenzie represented was released from petitioner's lawsuit. That firm Baker and McKenzie later represented defendant Loggans after I filed a lawsuit against her alleging fraud.

Defendant Loggans' attorney committed a fraud upon the court. He should not have been arguing for a release that had already been granted.

Judge Banks was made aware by plaintiff that there were several pending motions. Please make a note that at that time petitioner was not aware that defendant Loggans had been released from the case. Petitioner mentioned his change of venue motion and petitioner told Judge Banks that he had never received a hearing for that motion (Rec. C73-82). Petitioner also mentioned that he had a pending motion to have his file turned over to an investigative agency and in that motion petitioner complains of his civil rights being violated. Appendix H.

Defendant Loggans' attorney Micheal Tarpey told the court to ignore that motion, because it had been stricken. Attorney Micheal Tarpey did not belong at those proceedings because his client had already been released from the case. He made a deliberate effort to sabotage petitioner's case adding more injury after he had been released without petitioner's knowledge days before the trial. Attorney Micheal Tarpey, the record will show, plead his client's case in the court room of Judge Banks (Rec.C100-105). On July 31, 1998 committing a fraud upon the court and

deceiving petitioner into believing that defendant Loggans was released on 7/31/98 in an effort to let petitioner miss his 30 day deadline for filing an appeal with the Illinois Appellate Court. If petitioner believed that defendant Loggans was released on 7/31/98 he would calculate his 30 day grace period in which to file an appeal in the Illinois Appellate Court by the wrong date, and lose his constitutional right to appeal. The basis for the right to appellate review in Illinois has been found in the constitution and not in the statutes (i.e., Section 6 of Article VI of the Constitution of 1970). Defendant Loggans' attorney argued for his client's release by way of Summary Judgment, refused to allow any discussion about petitioner's motion to have his file turned over to an investigative agency because petitioner felt that his civil rights were being violated, by saying that the motion had been stricken, even though the presiding judge said he would take no action on the motion.

Petitioner filed a Motion for Summary Judgment to which defendants did not respond under Illinois law. Since defendants did not respond, they are admitting that the allegations in petitioner's motion are true and petitioner should prevail on his motion. On July 31, 1998 Judge Banks issued an order granting a motion for summary judgment to both defendants. The second defendant Nasif Mahmoud never filed a motion for summary judgment through his attorney Lewis Powell III.

When the circuit court judge issued this order dated July 31, 1998, he knew or should have known that defendant Loggans had previously been released from the case. He denied knowledge of this important fact by issuing the order. When defendants accepted the grant of the

summary judgment motion they participated in a deception.

(ii) Statement of Facts

Course of Proceedings and Disposition in the Illinois Appellate Court and Cook County Circuit Court

Petitioner continued to protest the actions that had been taken against him in the Cook County Court System.

On August 3, 1998 petitioner filed a motion to vacate the judgment of July 31, 1998, and August 4, 1998, petitioner filed a motion to vacate the judgment of July 27, 1998, Appendix I.

On August 7, 1998 petitioner was before the court in the presence of Judge Micheal Murray regarding the motion to vacate which was filed on August 3, 1998. This motion was in regards to the July 31, 1998 judgment ordered by Judge Banks. The court said that the motion would be answered by mail. Appendix J.

Then on August 10, 1998 petitioner was before the court on the second motion to vacate. Petitioner's motion was denied pursuant to the Computer Docket Printout. Appendix J. If you examine the order given by the court it states that the motion is denied and transferred to Judge Banks. It also states that the motion is a motion to reconsider. It is not. It goes on to say that the motion is regarding the July 31, 1988 judgment. That is also untrue. The motion before the court on that day was a motion to vacate the judgment of July 27, 1998, as the motion in Appendix I will show. On August 10, 1998 petitioner was

before Judge Micheal Murray. The judge that granted the Motion for Summary Judgment to defendant Loggans on July 27, 1998. He denied that he granted the Motion for Summary to Defendant Loggans on July 27, 1998. The court record will show differently. Judge Micheal Murray told petitioner that he was before the wrong judge, that was not true.

Petitioner was told to wait until Judge Banks returned from vacation on August 31, 1998. Even Judge Banks was not the judge that granted the motion for summary judgment in question.

Petitioner proceeded to file his Notice of Appeal in the Illinois Appellate Court *pro se*.

On August 24, 1998 petitioner filed a Notice of Appeal. Petitioner cites Illinois Supreme Court Rule 307(b).

> (b) Motion to Vacate. If an interlocutory order is entered on ex parte application, the party intending to take an appeal therefrom shall first present, on notice, a motion to the trial court to vacate the order. An appeal may be taken if the motion is denied, or if the court does not act thereon within 7 days after its presentation. The 30 days allowed for taking an appeal and filing the record begins to run from the day the motion is denied or from the last day for action thereon.

The motion to vacate the July 31, 1998 judgment which was filed on August 3, 1998 and was heard by the court on August 7, 1998 was never addressed by the court; the ruling never came in the mail.

The motion to vacate the July 27, 1998 judgment, which was filed on August 4, 1998 and heard by the court on August 10, 1998 was denied by Judge Micheal Murray.

Petitioner was free to file his Notice of Appeal pursuant to Illinois Supreme Court Rule 307(b), after the seven day waiting period, and no response from the court regarding the August 3, 1998 motion to vacate. Petitioner was also free to file his Notice of Appeal after the August 4, 1998 motion to vacate was denied by Judge Murray.

The Illinois Appellate Court in its decision, Appendix A, acknowledges that petitioner filed two motions to vacate, but refuses to acknowledge Supreme Court Rule 307(b).

The Appellate Court states that the motions were pending and petitioner should have waited for the court to dispose of them. The Appellate Court of Illinois says that it lacks jurisdiction because the Notice of Appeal is premature. Petitioner followed the rules as a *pro se* litigant and the Appellate Court of Illinois refuses to review petitioner's case.

Petitioner has a constitutional right to appellate review in Illinois (Ill. Constitution 1970 Article VI section 6 and 4). Furthermore the Constitutional right of appeal must be perfected within the procedural framework established by the legislature and the rules of the Supreme Court of Illinois.

REASONS FOR GRANTING THE WRIT

Petitioner was harmed by the Circuit Court of Cook County when it allowed his attorney to withdraw in violation of its court order dated February 20, 1997. (Rec.C293) leaving petitioner to act as his own attorney, and petitioner was then mislead and deceived by the opposing attorneys and judges of the Circuit Court of Cook County.

Petitioner was additionally harmed by the Circuit Court of Cook County, when he was denied an initial hearing that is fair and not unreasonably burdened. *Lindsey v. Norment*, 405 U.S. 56, 92 S. Ct. 862, 31 L. Ed. 2d 36; *Griffin v. Illinois*, 351 U.S. 12, 76 S. Ct. 585, 100 L. Ed. 891 (1956).

The trial judge was not supposed to make a ruling on the Change of Venue Motion. Procedurally that motion was supposed to ruled on by the Presiding Judge Judith Cohen.

The trial judge acknowledges that the proper judge to make the ruling is Judge Cohen (Rec.C. 00073 lines 10-22). He also states that he sees no reason to transfer the motion and if he issues the order he will deny it.

The trial judge who is not a motion judge and is not supposed to hear Change of Venue Motions, denies petitioner's request for a change of venue hearing by saying there is no basis in the law for transferring petitioner's case to a different county, contrary to Illinois Supreme Court Rule 306. The rule that makes provisions for litigants to petition the court for a change of venue. Under

Illinois law if a litigant does not receive a hearing regarding his change of venue motion all actions taken after that are considered void.

Petitioner was never given an opportunity to present his evidence regarding his reasons for wanting to be transferred to another county. The petitioner as a *pro se* litigant was not aware that the Change of Venue was an appealable motion and the court did not inform the petitioner of this fact. The proceeding that took place on July 31, 1998 has continued on that basis alone, not to mention the fact that the defendant Loggans' attorney was not supposed to be before the court, because his client had been released days prior. The proceeding was not a fair trial. Petitioner was denied his constitutional rights U.S.C.A. Const. Amend. 14.

When the judge participated in a mock trial and made misleading statements, and ruled on matters that he had no authority to rule on, it violated petitioner's right to due process and his right to a fair trial. *U.S. v. Harris,* 391 F.2d 348 (C.A. Tenn. 1968), cert. denied, 89 S. Ct. 169, 393 U.S. 874, 21 L. Ed. 2d 145. Petitioner sought redress in the Illinois Appellate Court and was turned away because the Appellate Court said his appeal was premature. Petitioner followed the rules of the Illinois Supreme Court and his appeal is timely according to Supreme Court Rule 307(b). Under requirement of due process of law, state may not deny to its courts jurisdiction to redress prohibited wrong upon proper showing in an appropriate proceeding for that purpose (*Morhous v.*

Supreme Court of New York, 1944, 56 N.E. 2d 79, 293 N.Y. 131) Const. State of Illinois 1970 Article 6 Section 6.

CONCLUSION

This case vividly illustrates the lack of respect for the laws of both the state of Illinois and the United States Constitution in the court system located in Cook County, Chicago, Illinois. Lawyers and judges conspired to deny petitioner his constitutional rights. Petitioner with the help of his wife was paired against a corrupt system that arbitrarily decides who receives justice, not based on the laws of this land, but based on popularity and social and political influence. Petitioner has been denied his right to a fair trial and due process, and his constitutional right to appeal.

Law in its regular course of administration through courts of justice, is due process and when secured by law of state, the constitutional requisite is satisfied and due process is so secured by laws operating on all alike and not subjecting the individual to the arbitrary exercise of the powers of the government unrestrained by the established principles of private right and distributive justice. Please use your supervisory powers to put the courts in Cook County in compliance with the Fifth and Fourteenth Amendments of the United States Constitution.

The petition for writ of certiorari should be granted. Also myself and my wife would appreciate it if you could investigate why my residence and phone are being bugged. This has been going on from at least 1988.

Respectfully submitted,

LLOYD N. COX

Date: August 29, 2000

No. _____

In The

Supreme Court of the United States

LLOYD COX SR.,

Petitioner,

versus

SUSAN E. LOGGANS AND ASSOCIATES, LTD;
NASIF MAHMOUD,

On Petition For A Writ Of Certiorari
To The Illinois Appellate Court
For The First District

APPENDIX TO PETITION FOR WRIT OF CERTIORARI

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APPENDIX A

FIFTH DIVISION
October 15, 1999

NOTICE

The text of the order may be changed or corrected prior to the time for filing of a Petition for Rehearing or the disposition of the same.

No. 1-98-3192

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

LLOYD COX, Plaintiff-Appellant, v. SUSAN E. LOGGANS AND ASSOCIATES, LTD. and NASIF MAHMOUD, Defendants-Appellees.	)	Appeal from the Circuit Court of Cook County. No. 93 L 6743 The Honorable Ronald J.P. Banks and Michael J. Murray, Judges Presiding.

ORDER

Plaintiff Lloyd Cox sued defendants Susan E. Loggans and Associates, Ltd. (Loggans) and Nasif, Mahmoud (Mahmoud) (collectively defendants) for claims stemming from the defendants' legal representation of plaintiff in other lawsuits. The circuit court granted summary judgment in defendants' favor. Plaintiff appeals, arguing that the court erred in granting summary judgment to defendants. He also contests the circuit court's denial of his request for a change of venue, the issuance of a case

management order, and an order barring plaintiff from presenting opinion witnesses.

For the reasons that follow, we dismiss plaintiff's appeal.

In June 1993, plaintiff filed a complaint against defendants alleging claims for breach of fiduciary duty and breach of contract related to their legal representation of plaintiff in other actions. After plaintiff's counsel withdrew, plaintiff proceeded *pro se* as he does in this appeal. The circuit court subsequently barred plaintiff from presenting any opinion witness testimony at trial and defendant Loggans moved for summary judgment. Plaintiff filed a cross motion for summary judgment. He also moved to have the court file turned over "to the proper authorities" for investigation and asked the circuit court to appoint a judge from DuPage County to handle the matter.

On July 27, 1998, Judge Michael J. Murray issued an order continuing the motions for summary judgment and the motion to transfer the case to July 30, 1998, before the assigned trial judge. On July 31, 1998, Judge Ronald J.P. Banks heard the motions. The transcript of the proceedings clarifies that plaintiff's motion to have the file turned over to a different agency was stricken. Judge Banks denied plaintiff's motion to transfer the case to DuPage County. Judge Banks granted defendant Mahmoud leave to join defendant Loggans' motion for summary judgment and granted the defendants' motion for summary judgment.

On August 3, 1998, plaintiff moved to vacate the judgment entered on July 31, 1998, by Judge Banks. On

August 4, 1998, plaintiff moved to vacate a judgment entered on July 27, 1998, by Judge Murray.

On August 7, 1998, Judge Murray issued an order stating that the matter came to be heard on plaintiff's motion to vacate the judgment entered on July 31, 1998, by Judge Banks. Judge Murray ruled that the matter was taken under advisement and the parties would be notified by mail of the decision. The record does not contain a transcript of these proceedings.

On August 10, 1998, Judge Murray issued an order stating that the cause came to be heard on plaintiff's motion to reconsider the order of July 31, 1998. The order further states that plaintiff's motion to reconsider was denied and added "Said motion must be properly renoticed before Judge Ronald Banks." The record does not contain a transcript of these proceedings.

On August 19, 1998, Judge Murray issued an order stating that the cause came to be heard on plaintiff's "renewed motion to reconsider and vacate." The order states that plaintiff's motion to reconsider and vacate "is transferred to Judge Ronald Banks in Rm. 2006, *instanter*." The record does not contain a transcript of these proceedings, nor does it contain a copy of the "renewed motion."

On August 24, 1998, plaintiff filed a notice of appeal from "[t]he order of July 27, 1998[,] granting summary judgment in favor of Defendant-Appellee Susan E. Loggans and Associates, Ltd. and against Plaintiff-Appellant" and "[t]he order of July 31, 1998[,] granting summary judgment in favor of Defendant-Appellee Nasif Mahmoud and against Plaintiff-Appellant."

On August 31, 1998, Judge Banks issued an order stating that because plaintiff filed a notice of appeal on August 24, 1998, the court had lost jurisdiction and could not hear the motion for reconsideration.

Citing *McCarthy v. Denkovski*, 301 Ill. App. 3d 69 (1998), defendants contend this court does not have jurisdiction to hear plaintiff's appeal because the notice of appeal was filed during the pendency of plaintiff's post-trial motions. We agree.

In *McCarthy*, this court stated the well-established rule that jurisdiction is conferred upon the appellate court only through the timely filing of a notice of appeal. *McCarthy*, 301 Ill. App. 3d at 72; see also *Berg v. Allied Security, Inc.*, Nos. 85967, 85974, slip op. at 2 (July 1, 1999). Supreme Court Rule 303(a) (155 Ill. 2d R. 303(a)) governs the proper filing of a notice of appeal, stating:

> "(1) Except as provided in paragraph (b) below, the notice of appeal must be filed with the clerk of the circuit court within 30 days after the entry of the final judgment appealed from, or, if a timely post-trial motion directed against the judgment is filed, whether in a jury or a nonjury case, within 30 days after the entry of the order disposing of the last pending post-judgment motion.
>
> (2) When a timely post-judgment motion has been filed by any party, whether in a jury case or a nonjury case, a notice of appeal filed before the entry of the order disposing of the last pending post-judgment motion shall have no effect and shall be withdrawn by the party who filed it, by moving for dismissal pursuant to Rule 309. This is so whether the timely post-

> judgment motion was filed before or after the date on which the notice of appeal was filed. A new notice of appeal must be filed within the prescribed time measured from the entry of the order disposing of the post-judgment motion, as provided in subparagraph (a)(1) of this rule." 155 Ill. 2d Rule 303(a).

The express language of this rule provides that when a notice of appeal is filed before the disposition of a timely posttrial motion, that notice is of no effect. *McCarthy*, 301 Ill. App. 3d at 72. A posttrial motion is " 'directed against the judgment' " if it attacks the original judgment. *McCarthy*, 301 Ill. App. 3d at 72, citing *Marsh v. Evangelical Covenant Church*, 138 Ill. 2d 458, 462 (1990).

In the instant case, plaintiff's motions to reconsider and/or to vacate the July 31, 1999, order clearly were directed against that judgment. Because plaintiff filed his notice of appeal before the circuit court had ruled on the pending motions, it had no effect. See *McCarthy*, 301 Ill. App. 3d at 73 (plaintiff's notice of appeal filed before disposition of defendants' posttrial motion was untimely and of no effect); *Valdovinos v. Luna-Manalac Medical Center, Ltd.*, Nos. 1-97-3961, 1-97-3969, 1-97-4337, 1-97-4533, and 1-97-4649, slip. op. at 12-13 (September 2, 1999) (holding in part that timely filing of motion to vacate and request for reconsideration rendered prior notices of appeal and cross-appeal ineffective). We therefore must hold that this court does not have jurisdiction to consider plaintiff's appeal.

We observe that Judge Murray's order dated August 10, 1998, states that plaintiff's motion to reconsider the order of July 31, 1998, was denied. Such action could be

construed as terminating the litigation so as to preclude further postjudgment motions. See *Sears v. Sears*, 85 Ill. 2d 253 (1981) (second posttrial motion filed after denial of first motion, raising arguments that were raised or could have been raised in first motion, does not toll the time for filing a notice of appeal); 155 Ill. 2d R. 303(a)(2) ("No request for reconsideration of a ruling on a post-judgment motion will toll the running of the time within which a notice of appeal must be filed"). However, the August 10 order expressly directs that the motion must be properly renoticed before Judge Banks. Further, the August 19 order effectively reinstates the motion to reconsider and vacate and transfers the motion to Judge Banks. The record does not contain the transcript from that proceeding, nor does it contain a copy of a new motion. We cannot construe the renewed motion as an impermissible successive posttrial motion.

In *Workman v. St. Therese Medical Center*, 266 Ill. App. 3d 286, 290-92 (1994), the trial court struck the plaintiff's motion to reconsider a judgment and subsequently granted the plaintiff's motion to vacate the order striking the motion and reinstated the motion to reconsider. This court found that the second motion was not a second motion to reconsider, but a permissible motion to vacate the order striking the motion to reconsider brought within 30 days of the entry of the order striking the motion. "A trial court retains jurisdiction to reconsider judgments and orders within 30 days of their entry." *Workman*, 266 Ill. App. 3d at 291-92. The *Workman* court held that within the 30-day period, the trial court had the power to vacate the order striking a motion to reconsider and to reinstate the motion and therefore the plaintiff's

notice of appeal filed within 30 days of the denial of the motion to reconsider was timely filed. *Workman*, 266 Ill. App. 3d at 292.

In light of the language in the August 19, 1998, order directing that the motion be renoticed in front of Judge Banks and the order acknowledging the renewed motion to reconsider and transferring it to Judge Banks, we must conclude that Judge Murray intended to vacate the prior denial of the motion to reconsider and to reinstate the motion to be ruled upon by the judge who had issued the judgment sought to be reconsidered. Because plaintiff filed his notice of appeal before the circuit court disposed of his pending motion, this court does not have jurisdiction to review this case.

For the reasons stated, we dismiss plaintiff's appeal for lack of jurisdiction.

Appeal dismissed.

GREIMAN, J., with THEIS, P.J., and QUINN, J., concurring.

APPENDIX A(b)

Law Offices

James D. Montgomery and Associates, Ltd.

111 West Washington Street
Suite 823
Chicago, Illinois 60602
(312) 977-0200
Fax (312) 977-0209

February 24, 1997

Mr. Lloyd Cox
30 West 113th Place
Chicago, Illinois 60628

Re: ***Cox v. Loggans, et. al.***, Case No. 93 L 6743
Our File No. 412/2

Dear Mr. Cox:

Enclosed is a copy of the transcript of the continued deposition of Nasif Mahmoud taken on February 7, 1997. In addition, please be advised that the trial in your case has been continued from May 16, 1997 to October 15, 1997 because Dr. Ferguson was not available for a deposition until May 15.

It is important for you to continue to see Dr. Ferguson. Enclosed is a list of opinions we would like Dr. Ferguson to give at his deposition. Please review these opinions and call me to discuss the opinions. After our discussion, please schedule an appointment with Dr. Ferguson so that he will have an opinion with respect to your present physical condition.

Finally, I have enclosed an additional copy of Dr. Ferguson's opinions for you to give to Dr. Ferguson. I

have not been able to speak with Dr. Ferguson to confirm these opinions. Therefore, please give the opinions to Dr. Ferguson and ask him to call me if he disagrees with any of the opinions.

Very truly yours,

/s/ Thomas C. Marszewski
THOMAS C. MARSZEWSKI

TCM/clz
Enclosures

Please provide the identify and location of any opinion witnesses and further state:

A. The subject matter on which the opinion witness is expected to testify;

B. The conclusions and opinions of the opinion witness and the basis therefore;

C. The qualifications of the opinion witness; and

D. Provide all reports of the opinion witness.

Answer: Robert James Lawrence Ferguson, M.D.
Neurosurgeon
55 E. Washington, Suite 2700
Chicago, IL 60602

A. (1) Explanation of the lumbar spine injury of Lloyd Cox;

(2) Treatment of the lumbar spine injury of Lloyd Cox including insertion of a spinal stimulator unit.

(3) The present condition of Lloyd Cox;

(4) The physical restrictions of Lloyd Cox resulting from his lumbar spine injury;

(5) His permanent injuries of chronic lower lumbar back and decreased left upper and lower extremity sensory;

(6) The disabling nature of Lloyd Cox' lumbar spine injury;

(7) Complaints of pain by Lloyd Cox substantiated by physical examination and objective diagnostic imaging;

(8) The necessary future care and treatment to control, limit and mitigate the pain from which Lloyd Cox suffers because of his lumbar spine injury;

(9) The type and frequency of his medical treatment;

(10) The medication and spinal stimulation Lloyd Cox will require in the future; and

(11) The reasonable cost of necessary medical care and medication to relieve pain.

B. *Opinions:*

(1) Lloyd Cox suffered a severe and permanent lumbar spine injury while at work on February 2, 1983. Bulging disc at L2 – L3 with no significant nerve root compression, disc herniation at L3 – L4, significant disc herniation and wide laminectomy at L4 – L5, displacement of the subarachnoid space at L5 – S1

(2) Lumbar laminectomies, placement of spinal cord stimulator operations to treat intractable pain;

(3) Lloyd Cox currently has chronic, disabling lower back pain;

(4) The physical restrictions of Lloyd Cox are: (a) no driving; (b) to remain on light activity at home; (c) avoid lifting over five (5) pounds; (d) avoid vigorous exercise; and (e) avoid work;

(5) Lloyd Cox has permanent injuries of chronic lower lumbar back pain and slightly decreased left upper and lower extremity sensory.

(6) The lumbar spine injury of Lloyd Cox disabled him from driving, lifting over five pounds and work;

(7) The complaints of pain made by Lloyd Cox are substantiated by physical examination and objective diagnostic imaging;

(8) Lloyd Cox will require future care and treatment of his lumbar spine to control, limit and mitigate his pain;

(9) Lloyd Cox will require in the future for the remainder of his life the type and frequency of medical treatment similar to the care and treatment he had received from me since his initial office visit to me on March 15, 1994.

(10) Lloyd Cox will require in the future for the remainder of his life medication and spinal stimulation similar to the medical and spinal stimulation he has received from me

since his initial office visit to me on March 15, 1994;

(11) Lloyd Cox will incur reasonable costs for necessary medical care and medication in the future for the remainder of his life similar to the reasonable and necessary medical costs which have been previously incurred to treat his chronic low back pain.

Basis: Treatment of Lloyd Cox.

C. See the attached Curriculum Vitae of Robert James Lawrence Ferguson, M.D.

D. None.

APPENDIX B

IN THE APPELLATE COURT, STATE OF ILLINOIS
FIRST DISTRICT

LLOYD COX, Plaintiff-Appellant, V. SUSAN E. LOGGANS AND ASSOCIATES, LTD. and NASIF MAHMOUD, Defendants-Appellees.	)	No. 1-98-3192

ORDER

(Filed Nov. 16, 1999)

This cause coming on to be heard on Plaintiff-Appellant's Petition for Rehearing and the Court being fully advised in the premises;

IT IS HEREBY ORDERED that the Petition for Rehearing is hereby denied.

/s/ Allan Greiman
Justice

/s/ Mary Jane Theis
Justice

/s/ Patrick J. Quinn
Justice

APPENDIX C

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Cox	)	
	)	
v.	)	NO. 93 L 6743
Loggans, et al.	)	

ORDER

THIS CAUSE coming to be heard for trial and hearing on defendants' Motion for Summary Judgment, due notice having been given, the Court being fully advised in the premises;

IT IS HEREBY ORDERED:

THAT defendant Mahmoud is granted leave to orally join defendant Loggans Motion for Summary Judgment, and;

IT IS FURTHER ORDERED that defendants Motion for Summary Judgment is hereby granted and judgment is hereby entered as a matter of law in favor of defendants Susan E. Loggans and Assoc. Ltd. and Nasif Mahmoud. This cause is conclude

Atty No. 32878
Name Donohue, Brown
Attorney for Loggans
Address 20 N. Clark
City Chicago
Telephone 422-0900

JUDGE RONALD J.P. BANKS
7-31, 1998
JUL 31 1998 ENTER:
Circuit Court
/s/ Ronald J.P. Banks
Judge Judge's No

AURELLA PUCINSKI, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

APPENDIX D

STATE OF ILLINOIS
SUPREME COURT

At a Term of the Supreme Court, begun and held in Springfield, on Monday, the thirteenth day of March, 2000.

Present: Moses W. Harrison II, Chief Justice

Justice	Justice
Benjamin K. Miller	Michael A. Bilandic
Justice	Justice
James D. Heiple	Charles E. Freeman
Justice	Justice
Mary Ann G. McMorrow	S. Louis Rathje

On the fifth day of April, 2000, the Supreme Court entered the following judgment:

No. 88732

Lloyd Cox, Petitioner v. Susan E. Loggans and Associates, Ltd. and Nasif Mahmoud, Respondents	Petition for Leave to Appeal from Appellate Court First District 1-98-3192 93L6743

The Court having considered the Petition to appeal as a matter of right or petition for leave to appeal and being

fully advised of the premises, the petition to appeal as a matter of right or petition for leave to appeal is DENIED.

As Clerk of the Supreme Court of the State of Illinois and keeper of the records, files and Seal thereof, I certify that the foregoing is a true copy of the final order entered in this case.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the Seal of said Court, this twenty-seventh day of April, 2000.

/s/ Juleann Hornyak
Clerk,

Supreme Court of the State of Illinois

APPENDIX E

ILLINOIS SUPREME COURT
JULEANN HORNYAK, CLERK
SUPREME COURT BUILDING
SPRINGFIELD, ILLINOIS 67201
(217) 782-2035

88732

April 5, 2000

Mr. Lloyd Cox
30 West 113th Place
Chicago, IL 60628

No. 88732 – Lloyd Cox, petitioner, v. Susan E. Loggans and Associates, Ltd., et al., respondents. Leave to appeal, Appellate Court, ~~Second~~ First District.

The Supreme Court today DENIED the petition for appeal as a matter of right or leave to appeal in the above entitled cause.

The mandate of this Court will issue to the Appellate Court on April 27, 2000.

APPENDIX F

IN THE CIRCUIT COURT OF COOK COUNTY, ILINOIS
COUNTY DEPARTMENT - LAW DIVISION

LLOYD COX, Plaintiff, vs. SUSAN LOGGANS & ASSOCIATES, LTD., et al. Defendants.	)	NO. 93 L 6743

(Filed Aug. 2, 2000)

REPORT OF PROCEEDINGS had at the hearing of the above-entitled cause, before the Honorable PHILIP L. BRONSTEIN, Judge of said court, on the 23rd day of July, 1998.

PRESENT:

MR. LLOYD COX,
appeared Pro se,

MRS. ANN COX,
appeared Pro se,

MR. MIKE TARPEY
appeared on behalf of the defendant.

PHYLLIS ZOCHOWSKI, CSR #084 - 3862
Official Court Reporter
Law Division
Circuit Court of Cook County

ATTESTED: /s/ Aurella Pucinski
CLERK OF THE CIRCUIT COURT

BY /s/ Jerry Illegible SEAL
AUG 02 2000

[2] THE CLERK: Number 23, Cox vs. Loggans.

MR. TARPEY: Good morning, Your Honor. Mike Tarpey on behalf of the defendants.

UNIDENTIFIED SPEAKER: Good morning. This is a motion that I filed here.

MRS. COX: Good morning, Your Honor. Ann Cox.

MR. COX: Lloyd Cox.

MR. TARPEY: Judge, just so you're aware, we have a trial date next Thursday. We're in 2005 now on all matters.

THE COURT: I'm not entering any orders.

Is that the case? You have a trial next week, sir?

MR. COX: Next week we have a motion, not a trial.

THE COURT: Do you have a –

MRS. COX: We have a summary judgment motion up right at this moment.

MR. COX: I have no trial. Not a trial.

THE COURT: Do you have the order setting a trial date?

MR. TARPEY: I don't. The trial date is July 30th. Judge Murray is hearing the summary judgment July 27th. That's what the plaintiffs are speaking about.

THE COURT: This was before me before, wasn't it –

MR. TARPEY: And you struck it.

THE COURT: – and I struck it.

[3] MR. TARPEY: Correct.

THE CLERK: Summary judgment is July 27th at 10:00 o'clock.

THE COURT: You're in another place. You got a date with another judge on Monday.

MR. COX: Your Honor, I am not the one that assigned you to me case. The clerk assigned you to my case. I did not have anything to do with it.

THE COURT: Well, I'd show up if I were you.

MR. COX: Your Honor, I came to you for this motion right here. This motion that I filed is supposed to be here today.

THE COURT: All right, if I didn't make myself clear last time you were here, sir, I'll make sure that I'm clear today. I'm not going to hear any motions in this case.

MR. COX: Well, then why you blaming me. I keep telling you it's the clerk that give me your name. I didn't pick you. I didn't choose you.

THE COURT: Now you're making me feel bad.

MR. COX: No, Your Honor –

THE COURT: I think what Mr. Cox is telling me is because of the computer – is this originally an A case?

MR. TARPEY: Originally.

THE COURT: That's probably what's happening. So they [4] keep bringing him here because it's an A case.

MR. COX: And that's why you blaming me for it.

THE COURT: I'm not blaming you, but I am explaining something to you, that I won't hear any motions. What you need to do is present any motions in this case in 2005, apparently.

MR. TARPEY: And they have done that. They have brought other motions in 2005.

MR. COX: But what you don't understand, Your Honor, if we go and file a motion the clerk stamp it, the clerk give us to you. What could we do?

THE COURT: Well, apparently, you've done something before because –

MR. COX: I didn't, but see, Your Honor, whenever we file our motion they either give us Judge Cox or Murray.

THE COURT: Those are the judges you want. So if they gave you a choice –

MR. COX: But when they –

THE COURT: I'm not blaming you.

MR. COX: But they didn't ask me if I wanted you.

THE COURT: Well, you tell them you have a trial date. You tell them and that you – the matter is

assigned to Judge Cox or Judge Murray, and if you come here by mistake and that's kind of what you're telling me now, that they [5] keep sending you here, I'll have to send you away again.

MR. COX: Well, then I know you send me away. I'll go there.

MR. TARPEY: They have another motion this afternoon before Judge Cohen in 2005.

THE COURT: Well, you're busy in 2005.

MR. COX: But, sir –

THE COURT: You have three judges there.

MR. COX: But I be trying to get justice what happened to me from fucking 1983 and I can't get no Goddamn justice.

THE COURT: All I'm saying is you're got three judges –

MR. COX: Look, sir, please leave me alone.

THE COURT: Mr. Cox.

MR. COX: Shit, just give me my stuff.

THE COURT: All right, you've got your trial – you've got your hearing date and your trial date.

MR. COX: Your Honor, I'm trying to get justice from what this man, attorney, did to me from 1991.

THE COURT: You should show up before – Judge Murray is the next date?

MR. TARPEY: This afternoon before Judge Cohen.

THE COURT: What time?

MR. TARPEY: 3:30.

[6] MR.COX: 3:30 not 4:30.

THE COURT: He said 3:30. Make sure you're there. Thank you.

MR. TARPEY: Thanks, Judge.

THE COURT: Stricken.

(Which were all the proceedings had on the above-entitled cause.)

IN THE CIRCUIT COURT OF
COOK COUNTY, ILLINOIS

COUNTY DEPARTMENT - LAW DIVISION

I, PHYLLIS A. ZOCHOWSKI, an Official Court Reporter for the Circuit Court of Cook County, County Department, Law Division, do hereby certify that I reported in shorthand the proceedings had at the hearing in the above-entitled cause; that I thereafter caused the foregoing to be transcribed into typewriting, which I hereby certify to be a true and accurate transcript of the proceedings had before the Honorable PHILIP L. BRONSTEIN, Judge of said Court.

Phyllis A. Zochowski
Phyllis A. Zochowski, CSR
Official Court Reporter
License #084-003862

Dated this 2nd day
of December, 1999.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

COUNTY DEPARTMENT – LAW DIVISION

I, the Honorable PHILIP L. BRONSTEIN, Judge of the Circuit Court of Cook County, presiding judge at the hearing of the aforementioned cause, do hereby certify that the above and foregoing is a true and correct Report of Proceedings had at the said hearing.

AND FORASMUCH, THEREFORE, as the matters and things hereinbefore set forth do not otherwise fully appear of record, the attorney for the _____ tenders this Report of Proceedings and prays that the same may be signed and sealed by the judge of this court pursuant to the statute in such case made and provided.

WHICH IS ACCORDINGLY DONE THIS _____ day of _____, _____.

_____

HONORABLE _____
Circuit Court of
Cook County, Illinois

_____

BILL

DATE: 12/2/99

To: Mr. Lloyd Cox
30 W. 113th Place
Chicago, IL 60628
773-264-1083

FROM: Phyllis A. Zochowski
Official Court Reporter

69 West Washington
Chicago, IL 60602
312-603-8400

PAID DEC 07 1999
Rigo

CASE: Lloyd Cox vs. Susan Loggans & Associates
93 L 6743 7/23/98

AMOUNT DUE: $14.40

DATE: _____
RECEIVED BY: _____

APPENDIX G

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Cox	)	
	)	
v.	)	NO. 93 L 6743
Loggans	)	

ORDER

THIS CAUSE coming before the Court on defendant Loggans Motion for Summary Judgment, plaintiffs Motion for Summary Judgment and plaintiffs Motion to have this matter transferred to a DuPage County Judge for all matters, due notice having been given the Court being fully advised in the premises.

IT IS HEREBY ORDERED that hearing on all of the above motions is entered and continued to 7/30/98 at 9:00 A.M., Rm 2005, before the assigned trial judge, because plaintiff requested a court reporter and refused to proceed without a reporter.

Atty No. 32878
Name Donahue Brown
Attorney for
Address 20 N. Clark
City / Zip Chgo
Telephone 422-0900

_____, 19_____

ENTER:

_____/s/ Illegible

Judge Judge's No.

AURELLA PUCINSKI, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

APPENDIX H

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Lloyd Cox	)	
plaintiff(s)	)	No. 93L06743
vs.	)	
Susan Loggans & Nasif Mahmond	)	
defendant(s)	)	

Michael Tarpey/Lewis Powell

MOTION BY Lloyd Cox

FOR Lloyd Cox (Plaintiff)

A cause coming to be heard asking that the court turn my file over to the proper authorities in light of the fact that my previous attorney states (for investigation) that he can prove that fraud was committed against me in brief herein submitted. In light of the fact that my previous attorney was allowed to resign in violation of 2 case management orders by said court thus jeopadizing [sic] my right to a trial my civil rights have been violated.

(Motion continued) I believe are their politically connected friends I can document several instances of judges not performing their duties properly. I am submitting several exhibits along with this Motion.

EXHIBIT 1 letter from Thomas Marszewski dated 7-3-96 letter stating Mahmoud took more than allowed fee

EXHIBIT 2 Plaintiffs Response to Crouch Walkers Motion to Dismiss

Montgomery states he can prove fraud on part of attorney 1 pg 7-8)

EXHIBIT 3 Memo from Loggins office phone message from Mahmoud.

I (We) do hereby certify that a copy of the within instrument was, served upon all parties who have appeared and have not heretofore been found by the Court to be in default for failure to plead.

7-17-98

/s/ Lloyd N. Cox
Attorney(s) for
Atty No.

Name Lloyd Cox
Attorney for
Address 30 W 113th Place
City/Telephone Chicago Il 60628
Atty No. 773-236-1083

APPENDIX I

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Lloyd Cox Sr. plaintiff(s)	)	
vs.	)	No. 93L06743
Susan Loggans & Assoc Ltd & Nasif Mahmoud defendant(s)	)	To: Presiding Judge Judith Cohen

Motion to Vacate Judgment issued 7-31-98
MOTION BY Lloyd Cox Sr. FOR Lloyd Cox Sr.

Cause coming to be heard asking this court to vacate a judgment entered on 7-31-98 by Judge Ronald JP Banks Room 2006 granting defendants motion for summary judgement. There were pending motions one for a change of VENUE which could only RENDERED by Presiding Judge Judith Cohen, No Ruling was made said motion by Judge Cohen. Therefore the Ruling made by Judge Ronald J Banks invalid and not proper court procedure. There are statutory provision for litigants to seek a substitution of judge or change of VENUE quoted from Judicial Board of Inquiry.

Motion for summary judgement was not heard by the court. Filed my motion for summary judgement and there WAS NO RESPONSE FROM DEFENDANT; therefore am entitled to win the judge was clearly biased and that is precisely why I filed a motion for a change of venue. I have been treated unfairly by several judges in this court system. I question the selection process for judges how

was he chosen, he was very favorable to the defendants. Judge Banks had no right to rule on change of venue motion.

(We) do hereby certify that a copy of this instrument was served upon all parties who have appeared and have not previously been found by the Court to be in default for failure to plead.

Dated: 8-3-98 /s/ Lloyd Cox
Attorney Certification

Name Lloyd Cox Sr
Attorney for Pro Se
Address 30 West 113th Pl
City/Zip Chicago IL 60628-4811
Dept.
Atty. No. 773-264-1083

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

HAND DELIVERED 8-4-98

Lloyd Cox Sr.	)	
plaintiff(s)	)	No. 93 L 06743
vs.	)	To: Presiding Judge Judith Cohen
Susan Loggans & Assoc. Ltd & Nasif Mahmoud	)	
defendant(s)	)	

Motion to Vacate Judgment issued 7-27-98

MOTION BY Lloyd Cox
FOR Lloyd Cox

Cause coming to be heard asking this court to vacate a judgment entered on 7-27-98 by Judge Michael Murray Chambers Room 2007. Judge Murray granted defendant Loggans motion for summary judgment without hearing from the plaintiff. After meeting with Judge Murray on 7-27-98 he told me that he was going to transfer 4 pending motions to the trial judge 2 motions had to be ruled on before they could proceed to the summary judgment motions. 1 motion to have the file ~~transfer~~ sent to an investigative Agency, another motion to have a change of venue which could only be ruled on by Cohen. The presiding Judge Judith Cohen. There were no rulings on those 2 outstanding motions. Judge Murray did not hear from the plaintiff. I filed a motion for summary judgment and there WAS NO RESPONSE FROM DEFENDANTS. Therefore I am entitled to win, but my motion was not considered. That is why I did not want a Judge from

Cook County to make any more Rulings in this case. But my Motion for change of venue was completely ignored and I want to know why court procedure was not followed by Murray his Ruling should be Vacated.

(We) do hereby certify that a copy of this instrument was served upon all parties who have appeared and have not previously been found by the Court to be in default for failure to plead.

Dated: 8-4-98 /s/ Lloyd R. Cox
Attorney Certification

Name Lloyd Cox
Attorney for
Address 30 West 113th Place
City/Zip Chgo Il 60628
Telephone
Atty. No. 773-264-1083

AURELIA PUCINSKI, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

APPENDIX J

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Cox	)	
	)	NO. 93 L 6743
v.	)	
Loggans et al	)	

ORDER

This matter, coming to be heard on Plaintiffs Motion to vacate the Judgment entered on 7/31/98 By Judge Banks, Due notice given and the Court Being Fully Advised, IT IS Hereby Ordered:

This matter is taken under Advisement and the Court will notify the parties By mail of its decision.

Atty No. 32878
Name Donohue Brown
Attorney for
Address 20 N. Clark
City / Zip Chicago
Telephone 422-0917

JUDGE MICHAEL J. MURRAY, 19___

AUG-7 1998
ENTER: Circuit Court 252

_____

Judge Judge's No.

AURELIA PUCINSKI, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Cox	)	
	)	No. 93L 6743
v.	)	
Loggans, et al.	)	

ORDER

THIS CAUSE coming to be heard on plaintiff's Motion to Reconsider (the Order of 7/31/98) due notice having been given the Court being fully advised in the premises.

IT IS HEREBY ORDERED:

THAT plaintiff's Motion to Reconsider is denied. Said motion must be properly renoticed before Judge Ronald Banks.

Atty No. 32878
Name Brown
Attorney for Defendant
Address 20 N. Clark
City/Zip Chicago 60601
Telephone 422-illegible

JUDGE MICHAEL J. MURRAY, 19___

AUG 10, 1998
ENTERED:

Circuit Court 252
Judge Judge's No.

AURELIA PUCINSKI, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

APPENDIX K(a)

No. 98-3192

IN THE
APPELLATE COURT OF ILLNOIS [sic]
FIRST JUDICIAL DISTRICT

LLOYD COX,

Plaintiff-Appellant,

v.

SUSAN E. LOGGANS and
ASSOCIATES LTD., NASIF MAHMOUD,

Defendants-Appellees.

Appeal from the Circuit Court of Cook County,
Illinois Law Division, No 93 L 06743
Judge Micheal Murray, Judge Presiding July 27, 1998
Judge Ronald Banks, Judge Presiding July 31, 1998

Petition for Re-Hearing from Decision
dated October 15, 1999

Lloyd Cox
30 West 113th Place
Chicago, Ill 60628
(773) 264-1083

Plaintiff-Appellant *pro se*

Petition for Re-Hearing

Plaintiff Lloyd Cox, *Pro-se* asks this court to review several points that this court has misapprended [sic] and overlooked. In a decision recieved [sic] by Plaintiff and

dated October 15, 1999 the decision was reached by Justice J. Greiman, Justice P. J. Theis and Justice J. Quinn. The Appellate Court dimissed [sic] plaintiff's appeal for lack of jurisdiction. Plaintiff contends that the Appellate Court of Illinios [sic] First Judicial District does have jurisdiction over Plaintiff's appeal for the following reasons:

On August 3, 1998, Plaintiff filed a motion to vacate Judge Ronald Banks order of July 31, 1998 (Sup. Rec. C.239) and the order is located in the record at (R.C. 467). This motion clearly states that it is intended for Judge Ronald Banks. Plaintiff filed another motion on August 4, 1998 it was also a motion to vacate a judgment enterd [sic] by Judge Micheal Murray on July 27, 1998 (Sup. Rec. C. 246). The motions clearly state that plaintff is asking the court to vacate these prior judgments and grant plaintiff's motion for a change of venue, turn over plaintiff's file to an investigative agency and grant Plaintiff's motion for Summary Judgment, because defendants did not respond to plaintiff's motion for summary judgment.

On August 10, 1998 Plaintiff appeared before Judge Micheal Murray regarding the motion filed by Plaintiff on August 4, 1998, a motion that clearly is addressed to Judge Murray (Sup. Rec. C. 246). Judge Micheal Murray in an order dated August 10, 1998 (R.C.469) states that Plaintiff's motion to reconsider is denied and said motion must be properly re-noticed before Judge Ronald Banks. Plaintiff filed two post trial motions to vacate judgments, one of which was properly noticed before Judge Micheal Murray on August 10, 1998 (see copy of attached printout) the motion that Plaintiff is referring to is located in the record at (Sup. Rec. C. 246). That motion should not have been re-noticed before Judge Ronald Banks. Please

see *Plaintiff's response to Defendant's Reply Brief* (pages 10-12). Also see Plaintiff's Original Brief and Argument (pg. 36) also see Judge Micheal Murray order of July 27, 1998 (R. C. 466) in that order the Judge Micheal Murray states that he will transfer all motions to the trial judge. Instead he grants Susan E. Loggans Motion for Summary Judgment (Sup. Rec. C. 248).

On August 10, 1998 Judge Murray according to his order denied a motion to reconsider (Rec. C. 469), Plaintiff never filed a motion to reconsider. The record will show that Plaintiff filed a motion to vacate (Sup. Rec. C. 246) that was the motion that was before Judge Murray on that day 8/10/98. I am attaching a portion of the print out showing the actions taken in Plaintiff's case.

An entry under August 10, 1998 shows that a motion to vacate an order was denied on that day by Judge Murray. According to the print out Judge Murray denied Plaintiff's motion to vacate on August 10, 1998 regarding the motion Plaintiff's filed on August 4, 1998 (Sup. Rec. C. 246). Plaintiff was then entitled to file his Notice of Appeal according to Supreme Court Rule 307(b).

Supreme Court Rule 307(b) Motion to Vacate. If an interlocutory order is entered on ex parte application, the party intending to take an appeal therefrom shall first present, on notice, a motion to the trial court to vacate the order. An appeal may be taken if the court does not act thereon within 7 days after its presentation The 30 days allowed for taking an appeal and filing the record begins to run from the day the motion is denied or from the last day for action thereon.

Plaintiff recieved [sic] no response from the court for the motion filed on August 3, 1998 (Sup.rec. C. 239) and the

motion filed on August 4, 1998 (Sup. Rec. C. 246) was denied by Judge Murray.

On the August 10, 1998 order (Rec. C. 469) the term 'motion to reconsider' is improperly stated on the document, the motion that was before the court was a motion to vacate. The print out I am enclosing shows that a motion to vacate was denied on August 10, 1998.

Judge Murray says in his order that the motion should be renoticed before Judge Ronald Banks (Rec. C. 469) Judge Murray transferred a motion that was properly noticed before him to another judge, Ronald Banks, after he had ruled on the motion.

Plaintiff would like to call the court's attention to the order dated August 7, 1998 (Rec. C. 468). Plaintiff was in court on his motion to vacate Judge Banks order of July 31, 1998. Plaintiff was advised that he would be notified of the courts decision by mail. No response was ever recieved [sic] by Plaintiff. Plaintiff filed two post-trial motions one was filed on August 3, 1998 (Sup. Rec. C. 239) and the other was filed on August 4, 1998 (Sup. Rec. C. 246) those are the only post-trial motions that were filed by Plaintiff. You mentioned in your decision that you did not see a copy of the new motion, the record does not contain such a motion because Plaintiff never filed a motion to reconsider. Plaintiff also never filed a renewed motion to reconsider.

Defendant attorney Micheal Tarpey in an order dated August 10, 1998 changed Plaintiff's motion to vacate into a motion to reconsider to suit his own agenda, the record will show that Plaintiff's motion was a motion to vacate (Sup. Rec. C. 246) As seen in the record at (Rec. C. 468)

the order mentions a motion to vacate that particular order was written by one of the lawyers in his firm that appeared in court on that date. Both motions that Plaintiff filed post trial were motions to vacate.

Judge Micheal Murray according to the court print out denied Plaintiff's motion to vacate the judgment entered on July 27, 1998. After that motion was denied plaintiff was free to file his Notice of Appeal according to Supreme Court Rule 307(b). The court has seven days to respond or if the motion is denied the party planning an appeal is free to file its Notice of Appeal.

To make the record clear Plaintiff was scheduled to come to court on August 19, 1998. Plaintiff was not in court on a renewed motion to reconsider. On August 12, 1998, Plaintiff filed a motion regarding having more exhibits placed in his file, the hearing date was scheduled for August 19, 1998 and Plaintiff was in court on that date regarding the motion he filed on August 12, 1998. Plaintiff was not in court on a renewed motion to reconsider because Plaintiff never filed a motion to reconsider in the first place.

Defendant attorney Micheal Tarpey in conjunction with the court changed Plaintiff's motion to vacate (Sup. Rec. C. 246) into a motion to reconsider (Rec. C. 469) and then asserted that said motion must be re-noticed before Judge Ronald Banks.

In Defendant attorney Micheal Tarpey previous brief he asserted that the motion had been improperly noticed before Judge Micheal Murray (page 8, paragraph 3), that is not true the motion will show it was in relation to a judgment made by Judge Murray. (Sup. Rec. C. 245). That

motion was properly noticed before Judge Murray and according to the Circuit Court computer docket information sheet Judge Murray denied Plaintiff's motion to vacate on August 10, 1998. Thus giving Plaintiff his right to file his Notice of Appeal in relation to the judgment entered on July 27, 1998 and also in relation to the judgment of July 31, 1998 therefore Plaintiff filed his Notice of Appeal in a timely manner pursuant to Supreme Court Rule 307(b).

The motion to vacate filed by plaintiff on August 4, 1998, most properly should have been disposed of by Judge Murray *Fessler vs. Weiss 107 N.E. 2d 795* the best judge to rule on a motion is the judge most familiar with the facts of the motion in question. Judge Murray had made the ruling in favor Susan E. Loggans and Associates Ltd. on July 27, 1998, (Sup. Rec. 248) and as such he was the judge that the motion to vacate that ruling should have been in front of. Murray should not have said in a court order (Rec. C. 469) that the motion is to be re-noticed before Judge Ronald Banks.

If you check the order dated Ãugust 10, 1998 (Rec. C. 469) you will see that the order states that the court denied a *motion to reconsider.* Plaintiff has previously stated that he was before the court on a *motion to vacate* the judgment of July 27, 1998 on that date, August 10, 1998. The judge instructed attorney Micheal Tarpey to write the order, and Tarpey wrote the order. Now if you look in his Reply Brief on page 8 paragraph 3, you will see he states that on August 10, 1998 the judge denied a *motion to vacate.* Micheal Tarpey Defendant attorney is contradicting himself in an effort to decieve [sic] this honorable court. This is only one instance where he

contradicts himself I have pointed out many other instances in my prior briefs.

In the court's decision dated October 15, 1999 the court states on page 3 paragraph 2,

On August 10, 1998, Judge Murray issued an order stating that the cause came to be heard on plaintiff's motion to reconsider the order of July 31, 1998, the oredr [sic] further states that plaintiff's motion to reconsider was denied and added "Said motion must be properly renoticed before Judge Ronald Banks"

Plaintiff was before Judge Murray on August 10, 1998, regarding the August 4, 1998 post trial motion to vacate the judgment of July 27, 1998 (Sup. Rec. C. 246). You stated in your decision of October 15, 1999, on page 2, paragraph 3, that plaintiff moved to vacate two judgments, one on August 3, 1998 for the July 31, 1998 judgment by Judge Ronald Banks, and the other was filed on August 4, 1998 regarding the judgment by Judge Micheal Murray.

Now plaintiff states that the August 3, 1998 matter came to heard on August 7, 1998 regarding the judgment of July 31, 1998 by Judge Ronald Banks. The August 4, 1998 matter came to be heard on August 10, 1998. Plaintiff was before the court on August 10, 1998 regarding the July 27, 1998 judgment on a motion to vacate the judgment. Plaintiff was not before the court to reconsider the order of July 31, 1998. Plaintiff never filed a motion to reconsider, Plaintiff never filed a renewed motion to reconsider.

The record does not contain a copy of either of these motions as you stated in your decision because there are

no such motions. The court can not consider documents not a part of the trial court record. *Cato vs. Thompson 403 N.E. 2d 1239.* The Circuit Court computer docket information sheet shows that plaintiff filed a motion on August 12, 1998 regarding filing exhibits, plaintiff was given a hearing date of August 19, 1998 regarding having these exhibits placed into his file that is why plaintiff was before the court on August 19, 1998.

In your decision you state that you have no jurisdiction because Plaintiff filed his appeal during the pendency of Plaintiff's post trial motions. You also state on page 2 of your decision that plaintiff filed two motions to *vacate* the judgments of July 27, 1998 and July 31, 1998 (paragraph 3). Supreme Court Rule 307(b) states that the court had 7 days to respond to plaintiff's motion, if the court failed to respond, or if the motion was denied plaintiff was free to file his Notice of Appeal after the date of the denial or the seven days with no response from the court. The record does not contain a motion to reconsider filed by the plaintiff because plaintiff never filed such a motion. On August 10, 1998 Judge Murray improperly transferred his own motion to Judge Banks according to an order in the record (Rec. C. 469), however the Circuit Court computer docket infromation [sic] sheet states that Judge Murray denied Plaintiff's motion to vacate.

From the day of the denial Plaintiff was free to file his Notice of Appeal for the July 27, 1998 judgment and after 7 days passed from the August 3, 1998 date plaintiff was free to file his Notice of Appeal for the July 31, 1998 judgment.

Plaintiff has filed a timely appeal and asks this court to review *his prior briefs and make a determination* on the issues presented in said briefs.

Plaintiff questions the validity of this decision, because the court states in its decision of October 15, 1999, that the motions filed by plaintiff were motions to vacate, Supreme Court Rule 307(b) does not require that these types of motions be ruled on before a party can file its appeal. Also these are not the Justices that were originally assigned to my appeal in the Appellate Court.

I don't know why Judge Banks called my post trial motion a motion to reconsider, you stated in your decision that the motion are motions to vacate, I don't understand why he called the motion a motion to reconsider when the motion clearly states that it is a motion to vacate (Sup. Rec C. 256).

Respectfully Submitted,

Lloyd Cox

05/05/98 COX
NOTICE OF MOTION
FILED
PRO SE

05/05/98 COX
PROOF OF SERVICE
FILED
PRO SE

05/05/98 COX
MOTION FILED
PRO SE

05/05/98 PRO SE 03:30 P.M.
COX LLOYD 05/15/98
MOTION SPINDLED
COX LLOYD

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KEY 10 END TRANSACTION PAGE 043 OF 050
P/X

06/03/98 S140 S DEARBORN 60603
LOGGAINS E SUSAN A #700 CHICAGO IL 422-0900
NOTICE OF FILING
FILED
DONOHUE BROWN
MATHEWSON

06/03/98 S140 S DEARBORN 60603
LOGGAINS E SUSAN A #700 CHICAGO IL 422-0900
PROOF OF SERVICE
FILED
DONOHUE BROWN
MATTHEWSON

06/15/98 COX LLOYD EXHIBITS FILED MONTGOMERY JAMES D	111 W WASHINGTON #823 CHICAGO ILL	60602 977-0200
06/15/98 COX LLOYD NOTICE OF MOTION FILED COX LLOYD	PRO SE —	02:30 P.M. 06/24/98
06/15/98 COX LLOYD NOTICE OF MOTION FILED COX LLOYD	PRO SE	02:30 P.M. 06/24/98
06/15/98 COX LLOYD		
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MOTION FILED MONTGOMERY JAMES D	111 W WASHINGTON #823 CHICAGO ILL	60602 977-0200
06/15/98 COX LLOYD MOTION SPINDLED COX LLOYD	PRO SE	02:30 P.M. 06/24/98
06/16/98 LOGGANS	HALL, SOPHIA H.	LD000460167
ORDER ON MOTION TO SUMMARY JUDGMENT - CONTINUED -		02:30 P.M. 06/24/98
06/16/98 COX	HALL, SOPHIA H.	LD000460167

ORDER ON MOTION TO SUMMARY JUDGMENT - CONTINUED - 02:30 P.M. 06/24/98

06/24/98 MURRAY, MICHAEL J
LOGGANS SUSAN E LD000482588

ORDER ON MOTION TO SUMMARY JUDGMENT - CONTINUED - 10:00 A.M. 07/27/98

06/24/98 MURRAY, MICHAEL J
COX LLOYD LD000482588

ORDER ON MOTION TO SUMMARY JUDGMENT - CONTINUED - 10:00 A.M. 07/27/98

07/17/98
COX LLOYD
EXHIBITS FILED

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P/X

07/17/98 PRO SE 03:30 P.M.
COX LLOYD 07/23/98
NOTICE OF MOTION
FILED
COX LLOYD

07/17/98 PRO SE 10:30 A.M.
COX LLOYD 07/23/98
NOTICE OF MOTION
FILED
COX LLOYD

07/17/98 PRO SE
COX LLOYD
PROOF OF SERVICE
FILED
COX LLOYD

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FILED
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MOTION FILED
COX LLOYD

07/17/98
COX LLOYD

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P/X

MOTION FILED PRO SE
COX LLOYD

07/17/98 PRO SE
COX LLOYD
MOTION FILED
COX LLOYD

07/17/98 PRO SE
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MOTION FILED
COX LLOYD

07/17/98 PRO SE 10:30 A.M.
COX LLOYD 07/23/98
MOTION SPINDLED
COX LLOYD

07/17/98 PRO SE 03:30 P.M.
COX LLOYD 07/23/98
MOTION SPINDLED
COX LLOYD

07/23/98 BRONSTEIN, PHILIP
COX LD000570386

ORDER ON MOTION TO STRIKE OR
WITHDRAW MOTION OR PETITION -
ALLOWED

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P/X

DISMISS BY STIPULATION OR AGREEMENT

08/03/98 PRO SE
COX LLOYD SR
MOTION TO
REINSTATE CASE FILED

08/03/98 PRO SE 03:00 P.M.
COX LLOYD SR 08/07/98
NOTICE OF MOTION
FILED
COX LLOYD

08/03/98 PRO SE
COX LLOYD SR
PROOF OF SERVICE
FILED

08/03/98 PRO SE 03:00 P.M.
COX LLOYD 08/07/98
MOTION SPINDLED
COX LLOYD

08/04/98 PRO SE
COX LLOYD SR
MOTION TO
REINSTATE CASE FILED

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08/04/98 PRO SE 03:30 P.M.
COX LLOYD SR 08/10/98
NOTICE OF MOTION
FILED

08/04/98 PRO SE
COX LLOYD SR
PROOF OF SERVICE
FILED

08/04/98 PRO SE 03:00 P.M.
COX LLOYD 08/10/98
MOTION SPINDLED
COX LLOYD

08/07/98 MURRAY, MICHAEL J LD000611
COX LLOYD

ORDER ON MOTION TO MOTION TO -
ALLOWED - Banks Motion

08/10/98 MURRAY, MICHAEL J LD000620
COX LLOYD

ORDER ON MOTION TO EXECUTE OR
PERFORM - ALLOWED - Murray Motion

08/10/98 MURRAY, MICHAEL J LD000620
COX LLOYD

ORDER ON MOTION TO STRIKE OR
VACATE AN ORDER - DENIED -

08/12/98
COX

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08/12/98 PRO SE 02:30 P.M.
COX LLOYD 08/19/98
AMENDED NOTICE
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COX LLOYD

08/12/98 PRO SE
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PROOF OF SERVICE
FILED
COX LLOYD

08/12/98 PRO SE
COX
MOTION FILED

08/12/98 PRO SE 02:30 P.M.
COX LLOYD 08/19/98
MOTION SPINDLED
COX LLOYD

08/19/98 MURRAY, MICHAEL J
COX LLOYD LD000641428

TRANSFER TO JUDGE WITHIN DIVISION
BANKS, RONALD J.P.

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08/24/98 PRO SE
COX
NOTICE OF APPEAL
FILED

08/28/98 PRO SE $75.00
COX LLOYD
REQUEST FILED
COX LLOYD

08/31/98	BANKS, RONALD J.P.	
COX		LD000670625
ORDER ON MOTION TO MOTION TO - ALLOWED - Motion was denied		
10/07/98	111 W	60602
COX LLOYD A	WASHINGTON	977-0200
EXHIBITS FILED	#800 CHICAGO ILL	
MONTGOMERY JAMES & ASSOC		
10/07/98	111 W	60602
COX LLOYD A	WASHINGTON	977-0200
EXHIBITS FILED	#800 CHICAGO ILL	
MONTGOMERY JAMES & ASSOC		

FIFTH DIVISION
October 15, 1999

No. 1-98-3192

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

LLOYD COX, Plaintiff-Appellant, v. SUSAN E. LOGGANS AND ASSOCIATES, LTD. and NASIF MAHMOUD, Defendants-Appellees.	Appeal from the Circuit Court of Cook County. No. 93 L 6743 The Honorable Ronald J.P. Banks and Michael J. Murray, Judges Presiding

ORDER

Plaintiff Lloyd Cox sued defendants Susan E. Loggans and Associates, Ltd. (Loggans) and Nasif Mahmoud (Mahmoud) (collectively defendants) for claims stemming from the defendants' legal representation of plaintiff in other lawsuits. The circuit court granted summary judgment in defendants' favor. Plaintiff appeals, arguing that the court erred in granting summary judgment to defendants. He also contests the circuit court's denial of his request for a change of venue, the issuance of a case management order, and an order barring plaintiff from presenting opinion witnesses.

For the reasons that follow, we dismiss plaintiff's appeal.

In June 1993, plaintiff filed a compliant against defendants alleging claims for breach of fiduciary duty and breach of contract related to their legal representation of plaintiff in other actions. After plaintiff's counsel withdrew, plaintiff proceeded *pro se* as he does in this appeal. The circuit court subsequently barred plaintiff from presenting any opinion witness testimony at trial and defendant Loggans moved for summary judgment. Plaintiff filed a cross motion for summary judgment. He also moved to have the court file turned over "to the proper authorities" for investigation and asked the circuit court to appoint a judge from DuPage County to handle the matter.

On July 27, 1998, Judge Michael J. Murray issued an order continuing the motions for summary judgment and the motion to transfer the case to July 30, 1998, before the assigned trial judge. On July 31, 1998, Judge Ronald J.P. Banks heard the motions. The transcript of the proceedings clarifies that plaintiff's motion to have the file turned over to a different agency was stricken. Judge Banks denied plaintiff's motion to transfer the case to DuPage County. Judge Banks granted defendant Mahmoud leave to join defendant Loggans' motion for summary judgment and granted the defendants' motion for summary judgment.

On August 3, 1998, plaintiff moved to vacate the judgment entered on July 31, 1998, by Judge Banks. On August 4, 1998, plaintiff moved to vacate a judgment entered on July 27, 1998, by Judge Murray.

On August 7, 1998, Judge Murray issued an order stating that the matter came to be heard on plaintiff's motion to vacate the judgment entered on July 31, 1998, by Judge Banks. Judge Murray ruled that the matter was taken under advisement and the parties would be notified by mail of the decision. The record does not contain a transcript of these proceedings.

On August 10, 1998, Judge Murray issued an order stating that the cause came to be heard on plaintiff's motion to reconsider the order of July 31, 1998. The order further states that plaintiff's motion to reconsider was denied and added "Said motion must be properly renoticed before Judge Ronald Banks." The record does not contain a transcript of these proceedings.

On August 19, 1998, Judge Murray issued an order stating that the cause came to be heard on plaintiff's "renewed motion to reconsider and vacate." The order states that plaintiff's motion to reconsider and vacate "is transferred to Judge Ronald Banks in Rm. 2006, *instanter*." The record does not contain a transcript of these proceedings, nor does it contain a copy of the "renewed motion."

On August 24, 1998, plaintiff filed a notice of appeal from "[t]he order of July 27, 1998 [,] granting summary judgment in favor of Defendant-Appellee Susan E. Loggans and Associates, Ltd. and against Plaintiff-Appellant" and "[t]he order of July 31, 1998 [,] granting summary judgment in favor of Defendant-Appellee Nasif Mahmoud and against Plaintiff-Appellant."

On August 31, 1998, Judge Banks issued an order stating that because plaintiff filed a notice of appeal on

August 24, 1998, the court had lost jurisdiction and could not hear the motion for reconsideration.

Citing *McCarthy v. Denkovski*, 301 Ill. App. 3d 69 (1998), defendants contend this court does not have jurisdiction to hear plaintiff's appeal because the notice of appeal was filed during the pendency of plaintiff's post-trial motion. We agree.

In *McCarthy*, this court stated the well-established rule that jurisdiction is conferred upon the appellate court only through the timely filing of a notice of appeal. *McCarthy*, 301 Ill. App. 3d at 72; see also *Berg v. Allied Security, Inc.*, Nos. 85967, 85974, slip op. at 2 (July 1, 1999). Supreme Court Rule 303(a) (155 Ill. 2d R. 303(a)) governs the proper filing of a notice of appeal, stating:

> "(1) Except as provided in paragraph (b) below, the notice of appeal must be filed with the clerk of the circuit court within 30 days after the entry of the final judgment appealed from, or, if a timely post-trial motion directed against the judgment is filed, whether in a jury or a nonjury case, within 30 days after the entry of the order disposing of the last pending post-judgment Motion
>
> (2) When a timely post-judgment motion has been filed by any party, whether in a jury case or a nonjury case, a notice of appeal filed before the entry of the order disposing of the last pending post-judgment motion shall have no effect and shall be withdrawn by the party who filed it, by moving for dismissal pursuant to Rule 309. This is so whether the timely post-judgment motion was filed before or after the date on which the notice of appeal was filed. A new notice of appeal must be filed within the

> prescribed time measured from the entry of the order disposing of the post-judgment motion, as provided in subparagraph (a)(1) of this rule." 155 Ill. 2d Rule 303(a).

The express language of this rule provides that when a notice of appeal is filed before the disposition of a timely posttrial motion, that notice is of no effect. *McCarthy*, 301 Ill. App. 3d at 72. A posttrial motion is " 'directed against the judgment' " if it attacks the original judgment. *McCarthy*, 301 Ill. App. 3d at 72, citing *March v. Evangelical Covenant Church*, 138 Ill. 2d 458, 462 (1990).

In the instant case, plaintiff's motions to reconsider and/or vacate the July 31, 1999, order clearly were directed against that judgment. Because plaintiff filed his notice of appeal before the circuit court had ruled on the pending motions, it had no effect. See *McCarthy*, 301 Ill. App. 3d at 73 (plaintiff's notice of appeal filed before disposition of defendants' posttrial motion was untimely and of no effect); *Valdovinos v. Luna-Manalac Medical Center, Ltd.*, Nos. 1-97-3961, 1-97-3969, 1-97-4337, 1-97-4533, and 1-97-4649, slip op. at 12-13 (September 2, 1999) (holding in part that timely filing of motion to vacate and request for reconsideration rendered prior notices of appeal and cross-appeal ineffective). We therefore must hold that this court does not have jurisdiction to consider plaintiff's appeal.

We observe that Judge Murray's order dated August 10, 1998, states that plaintiff's motion to reconsider the order of July 31, 1998, was denied. Such action could be construed as terminating the litigation so as to preclude further postjudgment motions. See *Sears v. Sears*, 85 Ill. 2d 253 (1981) (second posttrial motion filed after denial of

first motion, raising arguments that were raised or could have been raised in first motion, does not toll the time for filing a notice of appeal); 155 Ill. 2d R. 303(a)(2) ("No request for reconsideration of a ruling on a post-judgment motion will toll the running of the time within which a notice of appeal must be filed"). However, the August 10 order expressly directs that the motion must be properly renoticed before Judge Banks. Further, the August 19 order effectively reinstates the motion to reconsider and vacate and transfers the motion to Judge Banks. The record does not contain the transcript from that proceeding, nor does it contain a copy of a new motion. We cannot construe the renewed motion as an impermissible successive posttrial motion.

In *Workman v. St. Therese Medical Center*, 266 Ill. App. 3d 286, 290-92 (1994), the trial court struck the plaintiff's motion to reconsider a judgment and subsequently granted the plaintiff's motion to vacate the order striking the motion and reinstated the motion to reconsider. This court found that the second motion was not a second motion to reconsider, but a permissible motion to vacate the order striking the motion to reconsider brought within 30 days of the entry of the order striking the motion. "A trial court retains jurisdiction to reconsider judgments and orders within 30 days of their entry." *Workman*, 266 Ill. App. 3d at 291-92. The *Workman* court held that within the 30-day period, the trial court had the power to vacate the order striking a motion to reconsider and to reinstate the motion and therefore the plaintiff's notice of appeal filed within 30 days of the denial of the motion to reconsider was timely filed. *Workman*, 266 Ill. App. 3d at 292.

In light of the language in the August 19, 1998 order directing that the motion be renoticed in front of Judge Banks and the order acknowledging the renewed motion to reconsider and transferring it to Judge Banks, we must conclude that Judge Murray intended to vacate the prior denial of the motion to reconsider and to reinstate the motion to be ruled upon by the judge who had issued the judgment sought to be reconsidered. Because plaintiff filed his notice of appeal before the circuit court disposed of his pending motion, this court does not have jurisdiction to review this case.

For the reasons stated, we dismiss plaintiff's appeal for lack of jurisdiction.

Appeal dismissed.

GREIMAN, J., with THEIS, P.J., and QUINN, J., concurring.

PROOF OF SERVICE BY MAIL

I, Lloyd Cox, a non-attorney, on oath state that I served the foregoing Petition for Re-Hearing on

Michael Tarpey 1405 Dearborn Suite 700 Chicago IL 60604
Lewis Powell 53 West Jackson Suite 1520 Chicago IL 60604

by enclosing copies thereof in envelopes addressed as shown and with first class postage prepaid, and depositing them in the U. S. mail chute located at Morgan Park Station before the hour of 5:00 p.m. on 11-5-99.

/s/ Lloyd Cox
Lloyd Cox

Signed and Sworn before me this 4th day of November, 1999.
/s/ Lanee Leslie
Notary Public

OFFICIAL SEAL
LANEE LESLIE
NOTARY PUBLIC STATE OF ILLINOIS
MY COMMISSION EXP. 6/24/2003

APPENDIX K(b)

Petition For Appeal As A Matter of Right
or in the Alternative for Leave to Appeal

Docket No. No. 88732

IN THE SUPREME COURT OF ILLINOIS

Lloyd Cox,	)	Appellate Court
Plaintiff-Appellant	)	No. 98-3192
	)	Circuit Court No. 93L06743
Susan E. Loggans	)	
Defendant-Appellee	)	
	)	
Nasif Mahmoud,	)	
Defendant-Appellee	)	

PETITION FOR APPEAL AS A MATTER OF RIGHT OR IN THE ALTERNATIVE FOR LEAVE TO APPEAL

PETITIONER, Lloyd Cox, *pro se*, hereby petitions this Court for Appeal as a Matter of Right or in the Alternative for Leave to Appeal.

The judgment of the Appellate Court was entered on October 15, 1999. A Petition for Rehearing was filed on November 4, 1999 and was denied by the Appellate Court on November 16, 1999. An Affidavit of Intent to Seek Review in the Supreme Court was filed with the Appellate Court on December 1, 1999.

The points relied upon for reversal are as follows: Plaintiff Cox filed his Notice of Appeal in accordance with Supreme Court Rule 307(b) after he filed two motions to vacate prior judgments. On August 3, 1998 and August 4, 1998 motions to vacate were filed by Plaintiff Cox,

regarding the August 3, 1998 motion plaintiff Cox was told that he would be notified by mail of the court's decision, no notice has ever come in the mail to this date. The August 4, 1998 motion was denied and transferred to another judge. Plaintiff filed his Notice of Appeal on August 24, 1998 in accordance with Supreme Court rule 307(b). The Appellate Court has stated that Plaintiff Cox filed his Notice of Appeal prematurely. The Appellate Court in its decision of October 15, 1999 states that plaintiff was to wait for the two post trial motions to be ruled on by the Circuit Court of Cook County, and in not waiting for a ruling and filing his Notice of Appeal on August 24, 1998 plaintiff has filed prematurely. Plaintiff's appeal was dismissed.

The record will show that the two motion [sic] filed were motions to vacate August 3, 1998 motion to vacate (Sup. Rec C239) and August 4, 1998 motion to vacate (Sup. Rec C 246). Supreme Court Rule 307(b) states:

Motion to Vacate. If an interlocutory order is entered on ex parte application, the party intending to take an appeal threfrom [sic] shall first present, on notice, a motion to the trial court to vacate the order. An appeal may be taken if the motion is denied, or if the court does not act thereon within 7 days after its presentation. The 30 days allowed for taking an appeal and the filing [sic] the record begins to run from the day the motion is denied or from the last day for action thereon.

therefore plaintiff Cox waited 7 days for the August 3, 1998 motion and recieved [sic] no response from the court. Also after the motion to vacate of August 4, 1998 was denied, plaintiff Cox had 30 days from the 7 day

waiting period for each motion to file his Notice of Appeal, after the August 4, 1998 motion to vacate was denied plaintiff Cox was free to file his appeal. Plaintiff did so on August 24, 1998 making plaintiff's appeal timely in accordance with Supreme Court Rule 307(b) not premature. Thus the Appellate Court's dismissal should be reversed.

Plaintiff Cox has a constitutional right of appellate review in Illinois (Ill. Constitution 1970 Article VI section 6 and Section 4). Futhermore the Constitutional right of appeal must be perfected within the procedural framework established by the legislature and the rules of the Supreme Court. *People v. Nordstrom, 37 Ill 2d 270, 226 NE 2d 19 (1967)*

The facts are as follows:

Plaintiff Cox filed a Notice of Appeal in the Appellate Court of Illinois on August 24, 1998 (please see Supreme Court Appendix) Plaintiff Cox had previously filed two motions to vacate judgments in the Circuit Court of Cook County, one on August 3, 1998 regarding a judgment by Judge Ronald Banks entered on July 31, 1998 (Sup.Rec.C239) with a hearing date of August 7, 1998. Another motion to vacate a judgment by Judge Micheal Murray entered on July 27, 1998 (Sup.Rec.C246) with a hearing date of August 10, 1998. The Appellate Court dismissed plaintiff's appeal because the court said his Notice of Appeal was premature (see Appellate decision dated October 15, 1999 copy enclosed) The Appellate Court in its decision states that plaintiff filed two motions to vacate (page 2, paragraph 3).

On August 7, 1998 plaintiff appeared before Judge Micheal Murray in regards to plaintiffs first motion to

vacate dated August 3, 1998 (Sup.Rec.C239). Plaintiff recieved [sic] an order from Judge Micheal Murray (Rec.C468) stating that plaintiff would be notified of the court's decision by mail, that order was in regards to Judge Ronald Banks' July 31, 1998 judgment.

Plaintiff again appeared before Judge Micheal Murray on August 10, 1998, in regards to plaintiff's second motion to vacate (Sup.RecC246) this motion was regarding a judgment entered by Judge Micheal Murray on July 27, 1998. Plaintiff recieved [sic] an order that misstates the content of plaintiff's motion, (Rec.C469). The defendant-appelle [sic] attorney Micheal Tarpey wrote out said order and changed plaintiff's motion (Sup.Rec.C246) into a motion to reconsider and inserted a date that corresponds to the judgment of Judge Ronald Banks, which is July 31, 1998. The motion that plaintiff was before the court on that day August 10, 1998 was in regards to a judgment made on July 27, 1998 by Judge Micheal Murray, Judge Murray refused to accept the motion that plaintiff presented (Sup.Rec246) and said that the motion must be transferred to Judge Ronald Banks, (Rec.C469).

The Circuit Court Computer Docket Information Sheet states that on August 10, 1998 Judge Micheal Murray denied a motion to vacate, (see Petition for Rehearing attachments at end).

In the Appellate Court's decision of October 15, 1999, the court states on (page 3, paragraph 2) that Judge Murray issued an order denying a motion to reconsider the order of July 31, 1998. Plaintiff never filed a motion to reconsider the order of July 31, 1998, again plaintiff was before the court on August 10, 1998 on plaintiff's motion to

vacate filed August 4, 1998 (Sup.Rec.C 246) Also the Appellate Court Decision of October 15, 1999 (page 3 paragraph 3) states that plaintiff was before the court on a renewed motion to reconsider and vacate, however no copy of the renewed motion is contained in the record. No copy of the motion is contained in the record because plaintiff never filed any such motion, neither a motion to reconsider or a renewed motion to reconsider. On August 19, 1998, plaintiff was in court regarding a motion plaintiff filed on August 12, 1998 with a hearing date of August 19, 1998 to file additional exhibits. (please see Circuit court computer docket infromation [sic] sheet attached at end of Petition for Rehearing enclosure).

Please examine the two orders (Rec.C468) and (Rec.C469) both orders have the same date, July 31, 1998, the order located in the record (Rec.C469) should not be addressing the date of July 31, 1998, but instead should address the motion to vacate filed August 4, 1998 (Sup.Rec.C246) regarding a judgment made on July 27, 1998 by Judge Murray, that motion had a hearing date of August 10, 1998. Defendant-Appelle [sic] attorney Micheal Tarpey wrote out the order and he clearly misrepresents the facts in this order. (Rec.C469) Defendant-Appelle [sic] attorney Micheal Tarpey states that Judge Murray denied plaintiff's motion to vacate on August 10, 1998 (see brief of defendant-appelle [sic] Susan E. Loggans and Assoc.; included in Supreme Court Appendix) in his brief he does not mention a motion to reconsider, being heard on that day.

The record will show that both posttrial motions directed at prior judgments were motions to vacate, no motions to reconsider appear in the record, because no such motions were filed by plaintiff.

The reasons why review by this Court is warranted as a matter of right are as follows:

Appeals from the Appellate Court to the Supreme Court are a matter of right if a question under the Constitution of the United States or of the Illinois Constitution arises for the first time in and as a result of the action of the Appellate Court. When the Appellate Court dismisses an appeal from a final judgment of a circuit court, the question of whether the Appellate Court was correct in dismissing the appeal is one of constitutional dimensions conferring jurisdiction in the supreme court as a matter of right, because if the dismissal is improper the appellant is deprived of the constitutional right of appeal.

The basis for this right to appeal is found in Article 6, section 4 of the 1970 Illinois Constitution. *Airline Steward and Stewardesses Assoc. et al v. Quinn et al 35 Ill 2d 106, 219 NE 2d 499 (1961), Organization of Fox Valley Community Airport Authority 23 Ill App 3d 168, 318 NE 2d 496 (2d Dist 1974).* The record stands as the evidence that my Notice of Appeal was timely filed pursuant to Supreme Court Rule 307(b). The motions plaintiff filed were motions to vacate prior judgments, these motions are located in the record at (Sup.Rec.C239) and (Sup.RecC 246) The Appellate Court in its decision of October 15, 1999 states that the motions plaintiff filed on August 3, 1998 and August 4, 1998 were motions to vacate (see Appellate Court Decision dated October 15, 1999). Defendant-Appellee attorney Micheal Tarpey states in his reply brief (see Brief of Defendant-Appellee Susan E. Loggans and Assoc. Ltd. page 10 paragraph 3) he states that plaintiff's motion to vacate was a valid post judgment motion. He however uses a defective argument when he cites Supreme Court

rule 303(a)(2) and says plaintiff's motion to vacate was pending so that precluded plaintiff from filing his Notice of Appeal. The Appellate Court in its decision agrees with Defendant-Appellee (see Appellate decision page 4, paragraph 2). The Appellate Court should know that motions to vacate are handled differently, pursuant to Supreme Court Rule 307(b), plaintiff did not have to wait for a ruling on his post trial motions as long as he follows the ditates [sic] of that rule, (Rule 307(b) was quoted previously in this appeal). When plaintiff's motion to vacate filed on August 3, 1998 (Sup.Rec.C239) was not acted upon by the court in 7 days plaintiff was free to file his Notice of Appeal regarding that motion to vacate. Additionally whether the August 4, 1998 motion (Sup.Rec.C246) was denied as Defendant-Appellee states in his reply brief (see Brief of Defendant-Appellee Susan E. Loggans and Assoc. Ltd. page 8 paragraph 3) or if it was pending as Defendant-Appellee states in his reply brief on page 10 pargraph [sic] 3). Plaintiff was free to file his Notice of Appeal when he filed it, August 24, 1998, in regards to the August 4, 1998 motion (Sup.Rec.C246).

The Appellate Court wrongly states that plaintiff filed a motion to reconsider and a renewed motion to reconsider, then goes on to say that no copy of these motions exist in the record (see Appellate decision page 3, paragraph 3). No copy of these motions can be found in the record, because plaintiff filed no such motions.

The Appellate Court can no [sic] go outside the record on appeal. In re Estate of Grabow, 74 Ill App 3d 336, 30 Ill Dec 215, 392 NE 2d 980 (3d Dist. 1979).

On August 10, 1998 plaintiff was before Judge Micheal Murray regarding plaintiff's post trial motion filed on August 4, 1998 (Sup.RecC246) The motion was properly noticed before Judge Murray, the motion did not need to be renoticed. Contrary to what the Defendant-Appellee states in his reply brief (see defendant reply brief Susan E. Loggans and Assoc. page 8, paragraph 3). Additionally Defendant-Appellee says in his brief that Judge Murray denied plaintiff's motion to vacate, but the order that he refers to (C469) says that the judge is denying a motion to reconsider he is using the terms interchangeably. On August 10, 1998 plaintiff was before the court on his motion to vacate filed August 4, 1998, not on a motion to reconsider the judgment of July 31, 1998.

When the Defendant-Appellee wrote out the order he misrepresented the facts by changing plaintiff's motion to vacate into a motion to reconsider the judgment of July 31, 1998.

Therefore when the Appellate Court in its decision dated October 15, 1999 states "We observe that Judge Murray's order dated August 10, 1998 states that plaintiff's motion to reconsider the order of July 31, 1998 was denied" (see Appellate decision page 6, paragraph 2). Plaintiff was not before the court on a motion to reconsider, the court never heard such a motion. On August 10, 1998 plaintiff was before the court on his motion to vacate a prior judgment entered by Judge Micheal Murray on on [sic] July 27, 1998. In that observation lies the fundamental flaw will stand as the evidence that plaintiff's appeal was not premature, the motions located at (Sup.Rec.C239) and (Sup.RecC 246) are motions to vacate. The appeal was filed on August 24, 1998 within the 30 day period allowed

if denial of no response was given in regards to plaintiff's motions. The appeal was filed pursuant to Supreme Court Rule 307(b) and is a timely appeal. Defendant-Appellee argument is improper when he in his brief, the argument section, page 10, states that the Appellate Court lacks jurisdiction, because plaintiff motion to vacate which he states is a valid post judgment motion was pending at the time plaintiff filed his Notice of Appeal. He states that because that motion was pending, plaintiff was precluded from filing his appeal. That is an inaccurate statement according to Supreme Court Rule 307(b). Plaintiff has filed his Appeal pursuant to the rules of the Supreme Court and plaintiff prays that this honorable court will bring the Appellate Court into compliance with its rules by using its supervisory authority.

Plaintiff has alleged several instances of attorney and judicial misconduct in the briefs included in the Appellate Court record. Please review said briefs and make a determination as to whether misconduct was committed by the judges and attorneys in this case.

Respectfully Submitted,

/s/ Lloyd Cox

Lloyd Cox *pro se*
30 West 113th Place
Chicago, ILL 60628
(773) 264-1083

SUPREME COURT APPENDIX

I PETITION FOR LEAVE TO APPEAL AS A MATTER OF RIGHT OF IN THE ALTERNATIVE FOR LEAVE TO APPEAL

II APPELLATE COURT DECISION DATED OCTOBER 15, 1999
(Reprinted at App. 1 to 7 *supra*)

III MOTION TO VACATE FILED AUGUST 3, 1998
(Reprinted at App. 30 to 31 *supra*)

IV MOTION TO VACATE FILED AUGUST 4, 1998
(Reprinted at App. 32 to 33 *supra*)

V COPY OF THE PETITION FOR REHEARING
(Reprinted at App. 36 to 52 *supra*)

VI COPY OF ORDER DENYING PETITION FOR REHEARING DATED 11-16-99
(Reprinted at App. 13 *supra*)

VII ABSTRACT FILED IN THE APPELLATE COURT

Docket no. _____

IN THE SUPREME COURT OF ILLINOIS

LLOYD COX, PLAINTIFF-APPELLANT	) APPELLATE COURT No. 98-3192
SUSAN LOGGANS AND ASSOC LTD.	) CIRCUIT COURT No. 93 L 06743
AND NASIF MAHMOUD, DEFENDANTS-APPELLEES	)

NOTICE OF APPEAL TO SUPREME COURT

TO: Donohue, Brown, Mathewson and Symth c/o Michael Tarpey 140 South Dearborn St, Chicago, Ill Suite 700
Lewis Powell 53 West Jackson Blvd. Chicago, Ill Suite 1520

PLEASE TAKE NOTICE that on December 20, 1999, the undersigned filed with the Clerk of the Supreme Court, Petition for Appeal as a Matter of Right or in the Alternative for Leave to Appeal, a copy of which is attached hereto and hereby served upon you.

/s/ Lloyd W. Cox
Lloyd Cox
Plaintiff-Appellant *pro se*

Lloyd Cox
30 West 113th Place
Chicago, Illinois 60628
(773) 264-1083

20th December 99
/s/ Marilyn Davis

"OFFICIAL SEAL"
MARILYN DAVIS
Notary Public, State of Illinois
My Commission Expires Feb. 1, 2000

PROOF OF SERVICE BY MAIL

I, Lloyd Cox, a non-attorney, on oath state that I served the foregoing Leave to Appeal from the Appellate Court to the Supreme Court

Donohue, Brown, Mathewson & Symth c/o
Michael Tarpey 140 South Dearborn Chgo Il Suite 700
Lewis Powell 53 W Jackson Blvd Chgo Il 606 Suite 1520

by enclosing copies thereof in envelopes addressed as shown and with first class postage prepaid, and depositing them in the U. S. mail chute located at Morgan Park Station before the hour of 5:00 p.m. on _____.

/s/ Lloyd Cox
Lloyd Cox

Signed and Sworn before me
this 20th day of December, 1999
/s/ Marilyn Davis
Notary Public
"OFFICIAL SEAL"
MARILYN DAVIS
Notary Public, State of Illinois
My Commission Expires Feb. 1, 2000

Docket no. _____

IN THE SUPREME COURT OF ILLINOIS

LLOYD COX, PLAINTIFF-APPELLANT	)	APPELLATE COURT No. 98-3192
SUSAN LOGGANS AND ASSOC LTD.	)	CIRCUIT COURT No. 93 L 06743
AND NASIF MAHMOUD, DEFENDANTS-APPELLEES	)	

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Lloyd Cox
Plaintiff-Appellant *pro se*

Lloyd Cox
30 West 113th Place
Chicago, Illinois 60628
(773) 264-1083

20th December 99
/s/ Marilyn Davis

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/s/ Lloyd W. Cox
Lloyd Cox

Signed and Sworn before me
this 20th day of December, 1999
/s/ Marilyn Davis
Notary Public
"OFFICIAL SEAL"
MARILYN DAVIS
Notary Public, State of Illinois
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IN THE SUPREME COURT OF ILLINOIS

LLOYD COX, PLAINTIFF-APPELLANT	APPELLATE COURT No. 98-3192
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NOTICE OF APPEAL TO SUPREME COURT

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/s/ Lloyd W. Cox
Lloyd Cox
Plaintiff-Appellant *pro se*

Lloyd Cox
30 West 113th Place
Chicago, Illinois 60628
(773) 264-1083

20th December 99
/s/ Marilyn Davis
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Notary Public, State of Illinois
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/s/ Lloyd Cox
Lloyd Cox

Signed and Sworn before me
this 20th day of December, 1999
/s/ Marilyn Davis
Notary Public
"OFFICIAL SEAL"
MARILYN DAVIS
Notary Public, State of Illinois
My Commission Expires Feb. 1, 2000

98-3192

APPENDIX

Notice of Appeal filed August 24, 1998

Order James D. Montgomery and Assoc. Withdrawal May 14, 1997

Order Motion to Bar Opinion Witnesses continued Feb. 10, 1998

Order Motion to Bar Opinion Witnesses granted Feb. 11, 1998

Order Judge Michael Murray (transfers) all matters July 27, 1998 questions surround this order

Order Judge Ronald Banks grants summary judgment to defendants questions surround this order dated July 31, 1998

APPEAL TO THE ILLINOIS APPELLATE COURT,
FIRST DISTRICT
FROM THE CIRCUIT COURT OF COOK COUNTY

LLOYD COX,	)	98-3192
Plaintiff-Appellant,	)	NO. 93 L 06743
vs.	)	3323
SUSAN E. LOGGANS AND ASSOCIATES, LTD. AND NASIF MAHMOUD	)	(Filed Aug. 24, 1998)
Defendants-Appellees,	)	

NOTICE OF APPEAL

Plaintiff-Appellant Lloyd Cox, *pro se*, hereby appeals to the Illinois Appellate Court for the First District from the following orders entered in this matter in the Circuit Court of Cook County:

1. The order of July 27, 1998 granting summary judgment in favor of Defendant-Appellee Susan E. Loggans and Associates, Ltd. and against Plaintiff-Appellant on the above captioned compliant. Judge Michael Murray

2. The order of July 31, 1998 granting summary judgment in favor of Defendant-Appellee Nasif Mahmoud and against Plaintiff-Appellant on the above captioned complaint. Judge Ronald Banks.

By this appeal, Plaintiff-Appellant will ask the Appellate Court to reverse the orders of July 27, 1998 and July 31, 1998 and grant Plaintiff-Appellant's motion for summary judgment filed June 15, 1998 or for such other

and further relief as the Appellate Court may deem appropriate to grant.

/s/ Lloyd Cox
Lloyd Cox
Plaintiff-Appellant *pro se*

Lloyd Cox
30 West 113th Place
Chicago, Illinois 60628
773-264-1083

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Cox	)	
	)	
v.	)	NO. 93 L 6743
Loggans & Assoc., Ltd.,	)	
et al.	)	

ORDER

This matter coming Before the Court on The Motion of Plaintiff's Attorney, James D. Montgomery & Assoc., Ltd., to Withdraw as Counsel For Plaintiff. Due Notice Having Been Given And The Court Being Fully Advised In The Premises

IT IS HEREBY ORDERED:

1) The illegible James D. Montgomery & Assoc. Ltd. To illegible;

2) Plaintiff is Given 30 Days illegible 6/13/97 To Obtain Substitute Counsel we File His Own Appearance, Pro se.

3) The Deposition of Dr. Lawrence Ferguson Will Not Proceed As Scheduled Due To Plaintiffs Unwillingness to Have Montgomery & Assoc. Represent him at Said Deposition.

No. 91165
James Montgomery & Assoc.

Attorney for [Illegible]
Address 111 W.
Washington/ #823
Chicago, IL 60602
Phone (312) 977-0200

_____ 19 _____

JUDGE LYNN M. EGAN

ENTER: MAY 14, 1997
Circuit Court 1683 Judge's No.

AURELIA PUCINSKI, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Cox	)	
	)	NO. 93 L 6743
v.	)	
Loggans	)	

ORDER

THIS CAUSE coming to be heard on Plaintiff's Motion to Extend Time and Defendant's Motion to Bar 213(g) opinion witnesses. Due notice having been given, the Court being fully advised in the premises,

IT IS HEREBY ORDERED:

1. Plaintiff's Motion to Extend time to disclose and present 213(g) opinion witnesses is hereby denied;

2. Defendant Loggans Motion to Bar opinion witnesses illegible continued to 2/11/98

Atty No. 32878
Name Donohue, Brown
Attorney for
Address 20 N. Clark
City / Zip Chgo
Telephone 422-0900

Judge Jacqueline P. Cox
ENTER: FEB 10, 1998
Circuit Court 1519
Judge Judge's No.

AURELIA PUCINSKI, CLERK OF THE
CIRCUIT COURT OF COOK COUNTY

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Cox	)	
	)	No. 93 L 6743
v.	)	
	)	
Loggans, et al.	)	

ORDER

THIS CAUSE coming to be heard on defendant Loggans renewed Motion to Bar plaintiff from calling any opinion witnesses to testify at the trial in this matter, said motion having been previously filed on 10/7/97, due notice having been given, the Court being fully advised in the premises.

IT IS HEREBY ORDERED that Defendants Motion to Bar is hereby granted and plaintiff is barred from presenting any 213(g) opinion witness testimony at the trial in this matter.

Atty No. 32878
Name Donohue, Brown
Attorney for
Address 20 N. Clark
City / Zip Chicago
Telephone 422-0900

Judge Jacqueline P. Cox
ENTER: FEB 11, 1998
Circuit Court 1519
Judge Judge's No.

AURELIA PUCINSKI, CLERK OF THE
CIRCUIT COURT OF COOK COUNTY

APPENDIX G

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Cox	)	
	)	NO. 93 L 6743
v.	)	
Loggans	)	

ORDER

THIS CAUSE coming before the Court on defendant Loggans Motion for Summary Judgment plaintiffs Motion for Summary Judgment and plaintiffs Motion to have the matter transferred to a DuPage County Judge for all matters due notice having been given, the Court being fully advised on the premises;

IT IS HEREBY ORDERED that hearing of all of the above Motions is entered and continued to 7/30/98 at

9:00 A.M. Room 2005 before the assigned trial judge, because plaintiff requested a court reporter and refused to proceed without a reporter.

Atty No. 32878
Name Donohue, Brown
Attorney for
Address 20 N. Clark
City / Zip Chgo
Telephone 422-0900

_____, 19_____

ENTER: JULY 27, 1998

_____
Judge Judge's No.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Cox)
v.) NO. 93 L 6743
Loggans, et al.)

ORDER

THIS CAUSE coming to be heard for trial and hearing on defendants' Motion for Summary Judgment, due notice having been given, the Court being fully advised on the premises;

IT IS HEREBY ORDERED:

That defendant Mahmoud is granted leave to orally join defendant Loggans Motion for Summary Judgment, and;

IT IS FURTHER ORDERED that defendants Motion for Summary Judgment is hereby granted and judgment is hereby entered as a matter of law in favor of

defendants Susan E. Loggans and Assoc. Ltd. and Nasif Mahmoud. This cause is concluded.

Atty No. 32878
Name Donohue, Brown
Attorney for Loggans
Address 20 N. Clark
City / Zip Chgo
Telephone 422-0900

Judge Ronald J. Banks
ENTER: 7-31 1998
JUL 31 1998
ENTER:
Circuit Court
/s/ Ronald Banks

Judge Judge's No.

APPENDIX TO THE RECORD

C 1 PLACITA-APPEALS/TRANSFER

C 2 CIVIL ACTION COVER SHEET

C COMPLAINT BREACH OF CONTRACT

C 19 JURY DEMAND

C 20 SUMMONS

C 21 NOTICE OF PLAINTIFF MOTION TO CONSOLIDATE

C 43 COMPLAINT FILED 06/04/93

C 59 NOTICE OF ARBITRATOR'S DECISION (EXHIBIT)

C 63 ATTORNEY-CLIENT CONTRACT (EXHIBIT)

C 64 SETTLEMENT RELEASE 06/05/91 (EXHIBIT)

C 65 SETTLEMENT AGREEMENT AND RELEASE (EXHIBIT)

C 70 SETTLEMENT CONTRACT LUMP SUM AND PETITION ORDER (EXHIBIT)

C 73 LETTER FROM DEFENDANT TO MAHMOUF (EXHIBIT)

C 74 ATTORNEY RELEASE OF LIEN

C 75 AGREED ORDER 07/29/93

C 76 APPEARANCE OF DEFENDANTS ATTORNEY 08/19/93

C 77 DEFENDANT ANSWER TO COMPLAINT LOGGANS 08/19/93

C 88 AGREED ORDER 08/23/93

C 89 NOTICE OF DEPOSITION 10/04/93 ANN COX

C 92 NOTICE OF DEPOSITION 10/04/93 LLOYD COX

C 95 NOTICE OF DEPOSITION 10/04/93 NASIF MAHMOUD

C 98 DEFENDANTS FIRST SET OF INTERROGATORIES TO PLAINTIFF

C105 DEFENDANTS INTERROGATORIES

C110 NOTICE OF FILING INTERROGATORIES 10/04/93

C112 10/22/93 NOTICE OF MOTION TO STRIKE DEFENDANTS AFFIRMATIVE DEFENSES

C119 PLAINTIFF FIRST REQUEST FOR PRODUCTION OF DOCUMENTS 10/26/93

C124 10/26/93 PLAINTIFF NOTICE OF DEPOSITION

C126 10/26/93 PLAINTIFFS FIRST SET OF INTERROGATORIES TO DEFENDANT

C136 AGREED ORDER 10/29/93

C137 ORDER 12/02/93

C138 ORDER 12/09/93

C139 AGREED ORDER 01/05/94 DEFENDANTS WITHDRAW AFFIRMATIVE DEFENSES

C140 01/28/94 DEFENDANTS ANSWERS TO PLAINTIFF FIRST SET OF INTERROGATORIES

C149 PLAINTIFFS ANSWERS TO DEFENDANTS FIRST SET OF INTERROGATORIES 02/02/94

C156 03/14/94 DEFENDANTS AMENDED AFFIRMATIVE DEFENSES

C160 05/26/94 MOTION TO COMPEL OR DISMISS

C163 06/03/94 ORDER LLOYD AND ANN COX DEPOSITIONS

C164 01/27/95 NOTICE OF DEPOSITION BY SUBPOENA EILEEN O'SULLIVAN

C165 NOTICE OF DEPOSITION NASIF MAHMOUD 01/27/95

C168 02/21/95 RE-NOTICE OF DEPOSITION NASIF MAHMOUD

C171 NOTICE

C175 04/24/95 NOTICE OF MOTION TO COMPEL PRODUCTION OF DOCUMENTS AND ADDITIONAL DEPOSITION TESTIMONY

C177 04/24/95 MOTION TO COMPEL PRODUCTION OF DOCUMENTS

C181 01/27/95 SUBPOENA FOR DEPOSITION EILEEN O'SULLIVAN

C182 04/24/95 NOTICE OF FILING MOTION TO COMPEL PRODUCTION OF DOCUMENTS AND ADDITIONAL DEPOSITION TESTIMONY

C184 05/01/95 ORDER

C185 06/21/95 DEFENDANTS MOTION TO COMPEL

C186 06/22/95 ORDER

C187 07/06/95 PLAINTIFFS RESPONSE TO DEFENDANTS MOTION TO COMPEL PRODUCTION OF DOCUMENTS

C188 PLAINTIFFS RESPONSE TO DEFENDANTS MOTION TO COMPEL

C192 07/12/95 DEFENDANTS REPLY BRIEF IN SUPPORT OF MOTION TO COMPEL PRODUCTION OF DOCUMENTS

C196 ORDER MOTION TO COMPEL PRODUCTION OF DOCUMENTS 07/18/95

C197 08/04/95 ORDER EILEEN O'SULLIVAN TESTIMONY AND PRODUCTION OF DOCUMENTS

C198 09/05/95 SUBSTITION OF ATTORNEYS

C199 09/05/95 NOTICE OF ROUTINE MOTION

C202 09/05/95 ROUTINE MOTION TO SUBSTITUTE ATTORNEYS

C204 11/13/95 NOTICE OF MOTION TO COMPEL OF BAR TESTIMONY OF SUSAN LOGGANS

C209 11/20/95 ORDER PLAINTIFF MOTION TO COMPEL DEPOSITION OF SUSAN LOGGANS OF BAR LOGGANS FROM TESTIFYING IN DEFENSE OF SUSAN LOGGANS

C211 01/03/96 RE-NOTICE OF DEPOSITION

C213 01/16/96 RULE 213 INTERROGATORIES DEFENDANTS

C218 10/31/96 CASE MANAGEMENT ORDER JUDGE COHEN

C219 11/01/96 MOTION FOR DEFAULT JUDGMENT

C233 11/07/96 PLAINTIFFS SUBPOENA FOR DEPOSITION

C235 11/12/96 MOTION TO COMPEL H. NASIF MAHMOUD TO APPEAR FOR COMPLETION OF HIS DEPOSITION

C251 PLACITA APPEALS/TRANSFER VOLUME II

C252 11/22/96 ORDER

C253 ORDER PLAINTIFFS MOTION TO COMPEL MAHMOUD TO APPEAR FOR COMPLETION OF HIS DEPOSITION

C254 APPEARANCE DEFENDANTS COUNSEL

C256 01/17/97 PLAINTIFFS ANSWERS TO DEFENDANT LOGGANS INTERROGATORIES

C259 01/28/97 APPEARANCE DEFENDANTS ATTORNEY

C260 01/28/97 MOTION TO VACATE DEFAULT JUDGMENT

C262 01/31/97 DEFENDANTS NOTICE OF EXPERTS DEPOSITION

C268 01/31/97 ORDER MOTION TO STRIKE DEFAULT JUDGMENT

C270 02/03/97 MOTION TO CONTINUE TRIAL PLAINTIFF

C277 02/04/97 PLAINTIFFS SUPPLEMENT ANSWERS TO DEFENDANTS LOGGANS INTERROGATORIES

C284 02/05/97 ANSWER TO COMPLAINT MAHMOUD

C291 CERTIFIED MOTION TO CONTINUE TRIAL

C293 CASE MANAGEMENT ORDER 02/20/97 JUDGE COX

C294 05/14/97 ORDER MONTGOMERYS MOTION TO WITHDRAW

C295 04/28/97 PLAINTIFFS MOTION TO DENY ATTORNEY'S WITHDRAWAL

C298 04/30/97 MOTION TO WITHDRAW

C305 06/13/97 MOTION

C306 06/23/97 APPEARANCE

C307 ORDER JUDGE EGAN

C310 09/16/97 MOTION

C314 10/07/97 EMERGENCY MOTION TO BAR ALL OPINION WITNESSES

C341 02/05/98 DEFENDANTS OBJECTION TO PLAINTIFFS EXTENSION OF TIME AND RENEWED MOTION TO BAR

APPENDIX TO THE BRIEF
SUPPLEMENTAL RECORD

C 2 Order 12/10/98 Leave to File Supplemental Record in Appellate Court

C 3 Plaintiff Motion For Summary Judgment with Exhibits

C 11 Exhibit #1 Complaint 93L 06743

C 27 Exhibit #2 Settlement Authorization 06/05/91 (3 pages)

C 30 Exhibit #3 Defendant Loggans Answer to Complaint (2 pages)

C 32	Exhibit #4	Settlement Agreement and Release (7 pages)
C 39	Exhibit #5	Settlement Contract Lump Sum Petition (4 pages)
C 43	Exhibit #6	Three Release For Northfield Block dated 06/11/91
C 46	Exhibit #7	Letter dated 06/10/91 from Loggans to Mahmoud 3 pages of xeroxed checks
C 50	Exhibit #8	Discovery deposition of Nasif Mahmoud 07/22/96 11 pages
C 61	Exhibit 9A	deposition of Susan Loggans 01/11/96 (3 pages)
C 64	Exhibit 9B	deposition of Susan Loggans 01/11/96 (2 pages)
C 66	Exhibit 10	deposition of Susan Loggans 11/29/95 (2 pages)
C 67	Exhibit 11A	deposition of Susan Loggans 05/22/96 (4 pages)
C 71	Exhibit 11B	deposition of Patrick Condron 05/16/95 (2 pages)
C 73	Exhibit 12	Susan Loggans Letter to ARDC 07/31/91 (5 pgs)
C 78	Exhibit 13	deposition Michael Cox 04/04/95 (2 pgs)
C 80	Exhibit 14A	deposition Kim Jones 04/12/95 (4 pgs)
C 84	Exhibit 14B	deposition Susan Loggans 05/22/96 (3 pgs)
C 87	Exhibit 14C	deposition Michael Cox 04/04/95 (7 pgs)

C 94	Exhibit 16	Loggans Release for Crouch and Walker
C 95	Exhibit 17	Witness List Showing Client Deciet [sic] Christina Ashley-Scott
C 96	Exhibit 18	Loggans Lawyers Contract
C 97	Exhibit 19	Plaintiff Response to Crouch& Walker Motion to Dismiss (8 pgs)
C 105	Exhibit 20	John Sandberg letter to Loggans 06/10/91
C 106	Exhibit 21	deposition John H. Sandberg 12/04/96 (4 pgs)
C 110	Exhibit 22	Letter from Industrial Comm to Mahmoud 04/06/92 (4 pgs)
C 114	Exhibit 23	Dr. Ferguson opinion witness (2 pgs)
C 116	Exhibit 24	Order Montgomery Withdrawl
C 117	Exhibit 25&26	Case Management order 02/20/97
C 118	Exhibit 27	Case management order 10/31/96
C 119	Exhibit 28	Article showing discovery Schedule of the court
C 120	Exhibit 29	Notice of Decision of Arbitrator (4 pgs)
C 124	Exhibit 30A	List Activities of 85 L 04024
C 125	Exhibit 30B	order transferring case 85L4024 06/07/91
C 126	Exhibit 31	Order Judge Kowalski 06/06/91

C 127	Exhibit 32	07/22/91 Letter from Kim Jones (3 pgs)
C 130	Exhibit 33	Letter A. Marszewski to Leamy 3 letters 12/08/93, 12/13/93, 11/22/93
C 133	Exhibit 34	Phone gram Memo From Mahmoud to Loggans
C 134	Exhibit 35	Medical Bills (Sup.R.C134-192)
C 204	Exhibit	Receipt for Amendment to Motion for Summary Judgment 06/24/98 Tarpey and Powell
C 207	Exhibit 36	Susan Loggans 05/22/96 deposition
C 210	Exhibit 37	Nasif Mahmoud 02/07/97 deposition
C 217	Exhibit 38	Case citation Home Savings and Loan
C 222	Exhibit 39	" " All star Music
C 230	Exhibit 40	" " Raj Pandya
C 235	Exhibit	Motion on 07/17/98 Send case to investigative agency.
C 236		Motion filed on 07/17/98 Change of Venue Motion (2 pages)
C 239		Motion to vacate 07/31/98 judgment (2 pgs)
C 241		(a) print out showing defendants motion for summary judgments
C 243		Melvin Belli excerpt (242-245)
C 246		Motion to vacate 07/27/98 judgment (2 pgs)
C 248		print out ditto

98-3192

SUPPLEMENT RECORD

C 252 Pre-trial Motions (exhibit)

C 256 Order Judge Banks 08/31/98 Circuit Court lost Jurisdiction

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End of List

/s/ Lloyd V. Cox

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Docket no. _____

IN THE SUPREME COURT OF ILLINOIS

LLOYD COX, PLAINTIFF-APPELLANT	)	APPELLATE COURT No. 98-31
SUSAN LOGGANS AND ASSOC LTD.	)	CIRCUIT COURT No. 93 L 067
AND NASIF MAHMOUD, DEFENDANTS-APPELLEES	)	

NOTICE OF APPEAL TO SUPREME COURT

TO: Donohue, Brown, Mathewson and Symth c/o Michael Tarpey 140 South Dearborn St, Chicago, Ill Suite 70
Lewis Powell 53 West Jackson Blvd. Chicago, Ill Suite 1520

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/s/ Lloyd W. Cox
Lloyd Cox
Plaintiff-Appellant *pro se*

Lloyd Cox
30 West 113th Place
Chicago, Illinois 60628
(773) 264-1083

20th December 99
Marilyn Davis
"OFFICIAL SEAL"
MARILYN DAVIS
Notary Public, State of Illinois
My Commission Expires Feb. 1, 2000

PROOF OF SERVICE BY MAIL

I, Lloyd Cox, a non-attorney, on oath state that I served the foregoing Leave to Appeal from the Appellate Court to the Supreme Court

Donahue, Brown, Mathewson & Sopmith c/o

Michael Torpez 140 South Dearborn Chg Il Suite 700

Lewis Powell 53 W Jackson Blvd Chgo Il 606 Suite 1520

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/s/ Lloyd W. Cox
Lloyd Cox

Signed and Sworn before me
this 20th day of December, 1999

/s/ Marilyn Davis
Notary Public
"OFFICIAL SEAL"
MARILYN DAVIS
Notary Public, State of Illinois
My Commission Expires Feb. 1, 2000

APPENDIX K(C)

No. 98-3192

IN THE
APPELATE [sic] COURT OF ILLINOIS
FRIST [sic] JUDICIAL DISTRICT

LLOYD COX,

Plaintiff-Appellant,

v.

Susan E. Loggans and Associates Ltd.,
and Nasif Mahmoud.

Defendants-Appellees

Appeal from the Circuit Court of Cook County, Illinois
Law Division, No. 93 L06743
Judge Michael Murray, Judge Presiding 07/27/98
Judge Ronald J. P. Banks Judge Presiding 07/31/98

BRIEF AND ARGUMENT OF
PLAINTIFF-APPELANT [sic]

Lloyd Cox
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Plaintiff-Appellant *pro se*

POINTS AND AUTHORITIES

THE TRIAL COURT ERRED AS A MATTER OF LAW IN NOT ALLOWING A HEARING FOR PLAINTIFF'S MOTION FOR A CHANGE OF VENUE.

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1. *Ivery Johnson v. United Motor Coach Co. 66 Ill. App. 2d 295, 214 N.E. 2d 326 (1966)* 30
2. *People v. Etheridge 223 N.E. 2d 437; 78 Ill. App. 2d 299* 30
3. *People v. Morrow 241 N.E. 2d 680, 100 Ill. App. 1* 30
4. *Cory Corporation v. Fitzgerald 82 N.E. 2d 485, 335 Ill. App. 579* 30
5. Smith-Hurd Statutes c. 146 section 9 30

THE COURT ERRED WHEN IT DID NOT ENFORCE ITS CASE MANAGEMENT ORDER OF 02/20/97, INSTEAD ISSUED A NEW ORDER INVOLVING NON-EXISTENT INTERROGATORIES TO BE ANSWERED

1. *People ex rel Phillips Petroleum Co. v Gitchoff, 1976 357 N.E. 2d 534, 2 Ill. Dec. 367, 65 Ill. 2d 249* 31
2. *People ex rel Kelly, Ketting Farth Inc. V. Epstein 1974, 335 N.E. 2d 430 61 Ill. 2d 229* 31
3. Supreme [sic] Court Rule 13 32
4. Supreme Court rule 219 (c) 32

THE TRIAL COURT ERRED WHEN IT GRANTED DEFENDANTS MOTION TO BAR OPINION WITNESSES ON FEBRUARY 11, 1998 AND WHEN DEFENDANTS WERE GRANTED MOTIONS FOR SUMMARY JUDGMENT, BECAUSE A GENUINE ISSUE OF MATERIAL FACT EXISTED.

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1. Supreme Court Rules 213 (g) 32

2. Supreme Court Rules 218 32

3. Sumpreme [sic] Court Rules 219(c) 32

4. Article VIII Illinois Rules of Professional Conduct Rule 4.3 34

5. *Stade v. Stade, 42 N.E. 2d 631, 315 Ill. App. 136* 37

6. *Forest v. Forest 291 N.E. 2d 880, 9 Ill. App. 3d 111* 37

7. *Nash v. Park Castles Apartments Bldg. Corp. 50 N.E. 2d 725 384 Ill. 68* 37

8. Law Forum 1951 137 .....

TRIAL COURT FAILED TO GRANT PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT WHEN PLAINTIFF'S MOTION REMAINED UNCONTROVERTED. PLAINTIFF HAS ESTABLISHED A PRIMA FACIE CASE FOR FRAUD. PLAINTIFF'S ALLEGATIONS HAVE BEEN ADMITTED AS BEING TRUE BY FAILURE OF DEFENDANTS TO RESPOND. PLAINTIFF IS ENTITLED TO JUDGMENT IN HIS FAVOR AS A MATTER OF LAW.

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1. *Colonial Bank and Trust Co. v. Kozlowski 106, Ill. App. 3d 639, 435 N.E. 2d 1251, 62 Ill. Dec 279, (1st Dist. 1982)* 38

2. *Wooding v. L and J Press Corp (1981) 99 Ill. App. 3d 382, 385, 54 Ill. Dec. 838, 841, 425 N.E. 2d 1055, 1058* 38

3. *Carruthers v. B.C. Christopher and Co. (1974), 57 Ill. 2d 376, 380, 313 N.E. 2d 457* 38

NATURE OF THE CASE

This appeal involves a breach of contract action. Breach of fiduciary duty based on fraud. This is not a case of a lawyer that missed a deadline or inadequately prepared documents, this was a deliberate action to defraud plaintiff of his lifetime award of monetary compensation and medical treatment that was recieved [sic] in a settlement of his worker's compensation claim in 1989. Undue influence was placed on plaintiff to accept the amount mentioned in the document located in the record (R. C64) if plaintiff would not agree to these terms then said attorney would withdraw from the case the next day. Plaintiff wanted to go to trial. After signing the document plaintiff requested a copy of the document, but was not given a copy plaintiff later found that additional information had been added to the document after he signed it. This information closed out his workers compensation settlement of a lifetime award and future medical care. Because of the undue influence and the fraud that is why this lawsuit was brought against Susan E. Loggans and Associates Ltd. and Nasif Mahmoud. (R. C3-18)

Defendants moved for a summary judgment on the grounds that plaintiff has no legal expert to establish a prima facie case sounding in legal malpractice. (R. C353-C383) Plaintiff filed a response to defendant's motion for summary judgment and stated that the court had allowed plaintiff's attorney to withdraw on the eve of the deposition of his expert witness. Plaintiff's former attorney had provided defendants with 213(g) interrogatories listing all witnesses that would be testifying at the trial (R. C389 C440) (R. C256-C258) (R. C277-C283)

No legal expert was going to be included. Expert testimony is not required as to applicable standard of care is not required in legal malpractice actions where common knowledge of experience of laypersons is extensive enough to recognize or infer negligence and in this case fraud from the facts or where the attorney's negligence is so grossly apparent that a layperson would have no difficulty in appraising it.

Defendant Loggans states in open court on several occasions that he never recieved [sic] 213(g) interrogatories and further states that in May 1997 when the allowed plaintiff attorney to withdraw that plaintiff stated that I wanted to bring in new interrogatories. (R 00039 lines 17-20) That is a complete falsehood. The record will show that no such statement was made by myself or my wife (R.00017-00021)

Plaintiff also filed his own motion for summary judgment which was never responded to by the defendants. (R. C455-462) you will find the exhibits in the Supplement (C3-C192)

The Circuit Court granted summary judgment in favor of defendants on 07/27/98 and 07/31/98 (R. C467) and this appeal followed. (R. C471)

Jurisdictional Statement

This is an appeal under Supreme Court Rule 304(a) from a judgment in favor of the defendants one was granted 07/27/98 and the other was granted 07/31/98 in favor of the defendants. This appeal was filed 28 days after on August 24, 1998. (R. C471-472) 7-31-98 (R C467)

STATEMENT OF FACTS

On October 31, 1996 Judge Judith Cohen issued a case management order in this case (R. C218). Plaintiff Lloyd Cox (hereinafter the "plaintiff") was to respond to rule 213(g) interrogtories by January 15, 1997 and depositions of plaintiff's opinion witnesses were to be completed by February 15, 1997. The interrogtories were submitted to defendants on January 17, 1997 (R. C256-258) and supplemental answers were supplied on February 4, 1997 (R. C277-283) The opinion witness still remained to be deposed. Defendant Loggans had scheduled said depositions for February 7, 1997 and February 12, 1997 (R. C262). The doctor scheduled for the February 7th 1997 deposition was not available for his deposition and plaintiff's former attorney went into court on February 20, 1997 before Judge Jacqueline Cox on a motion to continue the trial please see the transcript (R.-00012 lines 8-18) stating the doctor was unavailable. Also plaintiff attorney informed judge that once this witness is deposed that will complete the deposition of the opinion witnesses transcript (R.-00013 lines 8-12). In the motion to continue the trial plaintiff's former counsel states that Defendant Loggans wishes to depose plaintiff's opinion witness (R. C270-275). Judge Jacqueline Cox then issued a new case management order (R. C293) Deposition of plaintiff's opinion witness was to be completed by May 20, 1997 and a new trial date was given.

On April 30, 1997 plaintiff's former attorney filed a Motion to withdraw (R. C298-303). This came as a surprize [sic] to plaintiff.

Plaintiff filed a motion on April 28, 1997 asking the court not to grant his attorney's motion to withdraw (R. C295) I did not want my attorney to withdraw because he had my case for five years and was paid $10,000 by me.

On May 14, 1997 plaintiff's attorney was granted his motion to withdraw (R. C294) in violation of Supreme Court Rule 13, Motion to withdraw "the motion may be denied by the court if the granting of it would delay the trial of the case, or would otherwise be inequitable. Plaintiff's last witness was scheduled to be deposed on May 15, 1997 transcript (R. 00019, page without number, (00020) the information I am refering [sic] to is on the unnumbered page lines (16-20). Plaintiff's attorney was allowed to withdraw on the eve of plaintiff's last witness deposition to complete discovery. Also the court states in its order of May 15, 1997 that the reason the deposition won't be taken is because I don't want an attorney that it has just allowed to withdraw from my case to take the deposition (R. C294). Plaintiff's former attorney was allowed to withdraw in violation of a court order issued on February 20th 1997. Michael Tarpey attorney for Loggans and Lewis Powell attorney for Mahmoud were present in court on May 14, 1997 but, neither raised any objections. Defendant Loggans attorney indicated to the court that I should allow an attorney that was just allowed by the court to withdraw, that I should allow said attorney to depose the opinion witness. Transcript (R. 00019), missing page number, (00020) the comments are on a page that is not numbered located between the two pages above (lines 16-20). No effort was made to have the previous court order enforced.

The Judge Lynn Egan stated she could not force my attorney to continue to represent me (R.-00019 lines 16-20).

I was unable to find an attorney to represent me after five years of discovery had been completed no attorney I spoke to wanted to take my case. (R. C 310).

Because the court had failed to take any remedies my case was left in limbo. Supreme Court Rule 219 offers remedies for any party that fails to comply with any order entered under the rules of the Court and all attorneys involved in this action showed contempt for the court by failing to obey its order.

Then on October 7, 1997 Defendant Loggans filed an 'Emergency Motion to Bar all Opinion Witnesses' (R. C314-337). In this motion Defendant Loggans states that no legal experts have been disclosed as opinion witnesses by plaintiff. Plaintiff prior attorney did not plan to use a legal expert and Defendant Loggans was well aware of that fact from the answers to the 213(g) interrogatories that he recieved from plaintiff's prior counsel. This case is a Breach of Contract case stemming from a breach of fiduicary [sic] duty based on fraud. No expert in legal malpractice was needed. The current court order that he mentions is the same court order that he stands in contempt of (R. C316) He seeks to bar the testimony of the opinion witness that was scheduled to be deposed on may 15, 1997. The witness had been timely disclosed contrary to the statement in his motion and plaintiff prayed to the court not to release his attorney because the opinion witness was scheduled to be deposed the next

day, but the court did nothing to help plaintiff. On October 7, 1997 in the court room of Jacqueline Cox Defendant Loggans states that plaintiff has never disclosed a legal malpractice expert and only one opinion witness (R. 00025 lines 11-24) Then he states that there has been no disclosure of opinion witnesses (R. 00026 lines 1-4) He makes contradictory statements in the same narrative first he says that an opinion witness was disclosed then he says no opinion witnesses were disclosed. He then says that he is entitled to an order barring any and all opinion witnesses because there has been no disclosure of opinion witnesses. (R. 00026 lines 1-4) The fact is the opinion witness was disclosed by plaintiff's prior attorney. (R. C256-258)

In addition to Defendant Loggans misrepresenting the facts to the court. The judge Jacqueline Cox was the same judge that issued the order at the time the current case management order and knew or should have known that the opinion was disclosed and was to be deposed per case management order dated February 20, 1997 (R. C293) by May 20, 1997. Also see the record (R. 00013) lines 9-18. The court in the person of Jacqueline Cox states that I have to disclose opinion witnesses, when the court knew that the opinion witness had been disclosed. (R. 00027 lines 8-24) Then the court says again that I must disclose the opinion witness (R. 00028 lines 20-22) I nor my wife knew what the court meant by disclosing a witness (R. 00028 line 23) and the court's explanation of what disclosing a witness meant was of no help (R. 00028 line 24,00029 lines 1-8) the court went on to say that I was not complying with the rules because the opinion witness had not been disclosed. When the court knew or should

have known that the opinion witness was disclosed and was to deposed on May 15, 1997 until plaintiff attorney was allowed to withdraw on May 14, 1997 in violation of case management order dated February 20, 1997 issued by the same judge. Then the court went on to say that she is going to require the plaintiff to answer the interrogatories and disclose opinion witnesses (R. 00029 lines 23-24, 00030 lines 1-9) The court then says that if we don't comply with the rules the case will be dismissed (R. 00030 lines 10-12).

The interrogatories that the court and Defendant Loggans says were not complied with had been turned over to the defendants on January 17, 1997 (R. C256) and February 4, 1997 (R. C277) The judge then went on to issue a new case management order saying that the plaintiff must answer the 213(g) interrogatories by December 15, 1997 and the opinion witness must be deposed by January 21, 1998 (R. 00030 lines 23-24, 00031 lines 1-7) the case management order is in the record (R. C338).

Again refer to (R. C314-315) statements made by Defendant Loggans and the court are in direct contradiction to this document the court and Defendant Loggans made statements that were designed to confuse plaintiff because many of the terms were new to plaintiff and since plaintiff was acting *pro se* his understanding of some of the terms was not clear. In violation of Article VIII Illinois Rules Of Professional Conduct Rule 4.1 and Rule 4.3

Defendant Loggans request the court to enter an order barring opinion witnesses from offering an opinion at the trial for failure to timely disclose and present for

deposition (R. C314-315) as I have previously stated those statements were not true. Defendant Loggans was present when plaintiff attorney withdrew and he raised no objection, even though he was scheduled to depose the opinion witness on the very next day which was May 15, 1997 (R. 00019; unnumbered page; 00020 the statement is on the unnumbered page lines 16-20). He also knew that case management order dated February 20, 1997 was pending (R. C293). Defendant Mahmoud was also present on the day my former lawyer was allowed to withdraw and raised no objection.

Defendant Loggans filed a "Renewed Motion to Bar" (R. C341) filed on February 5, 1998. Defendant Loggans states that plaintiff has violated three prior case management orders requiring disclosure of opinion witnesses. Defendant Loggans is in violation of case management order issued February 20, 1997 because [sic] the previously mentioned circumstances. He also misrepresented the facts to the court on several occasion regarding disclosure of the opinion witnesses. On February 10, 1998 plaintiff was not feeling well and my wife went to court on Defendant Loggans 'Renewed Motion to Bar' (R. C341-342) Judge Egan was on the bench I was trying to get more time to take the deposition of the last witness in my case, the deposition of the doctor that was scheduled to be taken one day before the court allowed my prior attorney to withdraw. Defendant Loggans attorney told the court that in May the plaintiff indicated that they wanted to disclose experts all over again. (R 00039) That is a blantant lie the record will show that plaintiff nor his wife never made such a statement at that time or any

other time. (R. 00017-00021). Again Defendant Loggans lies to the court.

On the same day Judge Egan sent my wife before Judge Cox for enforcement of her court order (R. 00040 lines 15-24) however on May 14, 1997 she failed to have Judge Cox enforce her court order regarding the taking to the last witness deposition in my case. I wasn't aware of that court at that time because I had been represented by counsel.

Judge Egan again suggest [sic] that plaintiff should allow his former attorney to depose his opinion witness (R. 00038 lines 7-12) the first time she suggests that was on May 14, 1997 (R. 00020 lines 6-24) just after she had granted my prior attorney motion to withdraw. Now on the same day February 10, 1998 my wife is sent before Judge Cox, Defendant Loggans again says that the 213(g)s were not disclosed and we haven't produced for deposition (R. 00042 21-24)

Defendant Loggans had just stood before Judge Egan not more than five minutes ago and said the 213(g)s were disclosed (R. 00039 lines 14-16).

The court in the person of Judge Jacqueline Cox says plaintiff must disclose opinion witnesses by December 15, 1997 (R. 00047 lines 19-24) the court knew or should have known that the opinion witness had been disclosed and was to be deposed by May 20, 1997 (R. 00013 lines 9-18) also (R. C293) My wife then tells the court that Defendant Loggans is misrepresenting the facts to the court when he says that he does not have the interrogatories (R. 00048-00049) As a matter of fact I provided the court's clerk with a copy of the answered interrogatories on

December 15, 1997 (R. C413) The court says that my wife must bring in the interrogatories the next day and the defendants motion is continued to the next day.

The next day my wife appears again before Judge Jacqueline Cox with a copy of the 213 (g) interrogatories that the judge had told her to bring in. The judge says that it just dawned on her that my wife is not an attorney and she can not represent me the plaintiff. Therefore she can not speak at this hearing. The court asks about the interrogatories (R. 00055 lines 18-24) Defendant Loggans then admits that the witness was disclosed and the interrogatories were given to him by plaintiff's prior attorney. Had my wife been allowed to speak at that hearing she would have pointed out the misrepresentations that Defendant Loggans has been making to the court. Defendant Loggans refers to a case management order that was issued October 7, 1997 in which the court knew or should have known was erroneous because of the prior order that was issued by the very same judge on February 20, 1997. At the time that the October 7, 1997 case management order was issued there were no outstanding interrogatories. (R. C293) and (R. C338).

On October 7, 1997 Judge Cox issued a new case management order she ignored the fact that per previously issued case management order of February 20, 1997 had not been complied with and she took no steps to enforce that order.

On February 10, 1998 and February 11, 1998 my wife appeared in court before Judge Cox in response to a motion filed by Defendant Loggans on February 5, 1998 (R. C341-347) he was objecting to a non-existent motion,

which he later states that this non-existent motion was denied (R. C348) Plaintiff never filed a motion to extend time to disclose witnesses, plaintiff did ask the court to give him more time to find counsel to represent him as Defendant Loggans acknowledges in the record (R. 00042 lines 1-15) On February 11, 1998 the court grants the Defendant Loggans motion to bar opinion witnessess for failure to disclose any (R. 00058 lines 1-11) That motion should not have been granted to view of all the misrepresentations that Defendant Loggans has told the court. When my wife was prepared to prove that Defendant Loggans was misrepresenting the facts she was told that she could not speak and the defendant Loggans was granted his motion to bar opinion witnesses under false pretenses the court had an obligation to make sure that the truth is presented and the court has been very remiss in its duties and obligations to *pro se* litigants.

Plaintiff never filed a motion to extend time to disclose and present 213 (g) opinion witnesess (R. C348) The record will show no such motion exists. Plaintiff asked the court to extend the time to have the doctor's deposition taken. (R. 00041 lines 16-20) I never asked for extension of time to disclose new witnesses Dr. Ferguson was to be the last witness before plaintiff's discovery would be complete. Plaintiff did not need to disclose any other witnesses in this case (R. 00013 lines 9-12) The court failed to enforce its court order of February 20, 1997 and then barred the testimony of plaintiff opinion witness because he was not disclosed, the opinion witness was disclosed.

The court also granted defendant Loggans motion to bar based on the medical opinion witness deposition not

having been taken and no liability opinion witness having been disclosed (R. 00057 lines 15-24) (R. 00058 lines land 2) That is not a valid assertion to state that no liabilty opinion witness was disclosed (R. C256-258) The interrogatories identified the witnesses and the subject matter of their testimony. However Defendant Loggans was granted his motion to bar based on that assertion and the plaintiff was not allowed to give any input whatsoever. The facts are that plaintiff's opinion witness was disclosed by plaintiff's prior attorney (R. C256-258) and plaintiff's last discovery witness was scheduled to be presented for deposition on May 15, 1997 (R. C270-271), one day before plaintiff's attorneys was allowed to withdraw (R. C294) by the court. Over plaintiff's objection (R. C295). The only motion that was filed for an extension was for more time to find an attorney (R. C310) Defendant Loggans recieved [sic] his motion to bar opinion witnesses from an "Emergency Motion to Bar All Opinion Witnesses" that was not properly filed and date stamped with the court, and since it was not properly filed it should not be a part of the record. This document that is not properly stamped by the court was used to recieve [sic] his motion to bar opinion witnesses. There were two doctors that the defendants had scheduled to be deposed (R. C262) there was never anything said about the availability of the remaining doctor a Saul Haskell, M.D.

After recieving [sic] an undeserved motion to bar 213 (g) opinion witnesses testimony at the trial Defendant Loggans filed a motion for summary judgment on March 24, 1998. (R. C353-383). In Defendant Loggans motion for summary judgment (R. C354) point 5 he states that based on a court order barring plaintiff from producing any

opinion witness testimony at trial plaintiff can't establish a prima facie case sounding in legal malpractice. The witness that was barred was a medical practioner (R. 00057 lines 15-24) that could not have offered any expertise in legal malpractice. This case involves a breach of fiduicary [sic] duty based on fraud this was a deliberate action not a case of a lawyer missing a deadline. No legal malpractice expert was included in the list of witnesses because one was not needed this case falls under the common knowledge exception where the matters of issue would be common knowledge to a lay jury and there would be no need for an expert.

Plaintiff filed a response to defendant Loggans motion for summary judgment (R. C389-440) In that response plaintiff addresses the non enforcement of the court order by allowing plaintiff's attorney to withdraw and other issues to the extent of plaintiff's understanding of the case at that point.

Plaintiff's motion for Summary Judgment (Supplemental record C3-234) outlines the offenses of defendants it includes exhibits and many contradictory statements are pointed out that have been made by defendant of which there is no defense that counsel can bring forward and the plaintiff's motion for summary judgment was never responded to by defendants. The summary judgment statute 735 ILCS 5/2-1005 A party's failure to file a counteraffidavit will result in an admission by them that the facts stated in my affidavit are true and therefore a judgment may be entered in my favor.

On July 17, 1998 plaintiff filed two motions one motion to have the case transferred to another venue

(supplemental record C236-237) Plaintiff believed that he could not recieve [sic] a fair hearing in the Cook County Circuit Court System, due to previous rulings by judges in that district. Plaintiff believed that one of the attorneys involved in this case along with several of the law firms were politically well connected and the female defendant Susan E. Loggans was well known among her colleagues. He went to many lawyers in Chicago and none of them wanted to pursue the case as it exist [sic], many said it was because of a conflict of interest. Thus plaintiff had no choice but to pursue his case *pro se* even though [sic] is not a well educated man, plaintiff is illiterate therefore his wife must do the writing and the research necessary to present this brief. Several prior judges and their rulings and events involving several judges in Cook County had led the plaintiff to the conclusion that he could not recieve [sic] a fair hearing in Cook County.

The most recent actions of the judges involved in the proceedings connected to this appeal can certainly show that the judges were not acting in an unbiased manner. One glaring example is when Judge Jacqueline Cox barred Plaintiff from presenting any opinion witnesses at trial because of failure to disclose any, Court order dated February 20, 1997 and the interrogatories filed on January 17, 1997 and February 4, 1997 show that the opinion witness had been disclosed. The court order was violated by plaintiff's former attorney as well as both defendant attorneys Michael Tarpey and Lewis Powell, Judge Cox never inquired about the status of the court order and never took any steps to enforce the court she issued on February 20, 1997. Judge Cox chose to ignore her previous court order even though it had not been complied

with. Plaintiff was not aware of court procedures to the extent that he could protest he did not understand that court orders were being violated by the defendants in the case and also his prior attorney. Judge Cox granted defendant Loggans Motion to Bar Opinion Witnesses without hearing from the plaintiff, the plaintiff's wife was prepared to show how defendant Loggans was lieing to the court when he said he never recieved the interrogatories in the case. Judge Cox said that Plaintiff wife could not represent him. Plaintiff was at home not feeling well and she proceeded to grant defendant Loggans motion barring opinion witnesses. One day before that hearing on February 10, 1998 Judge Cox allowed my wife to speak on my behalf. When I returned the next day on February 11, 1998 at the court's request (R. 00049 lines 11-24) to prove to the court that the interrogatories had been given to the defendants in this case Judge Cox told my wife that she could not speak on my behalf therefore the evidence of the defendant lieing was not presented to the court. (R.00054 lines 21-24) (R.00055 lines 1-11) The judge said that it just dawned on her that my wife was not an attorney, my wife was not allowed to say anything, the judge should have given the plaintiff an opportunity to appear since she did not want my wife to speak. It was unfair for her to proceed without my presence. The judge is not supposed to speak to one side in a lawsuit without the other party being present and certainly not grant a motion without both parties being present.

On July 23, 1998 before Judge Michael Murray I requested a hearing for my change of venue motion. On July 27, 1998 I requested a hearing for my change of venue motion before Judge Michael Murray, on July 30,

1998 before Judge Michael Murray I requested a hearing on my change of venue motion. Also on July 31, 1998 I asked for a hearing on my change of venue motion, I was never granted a hearing for the change of venue motion. The change of venue motion never came up for a hearing. I understand that Judge Judith Cohen the presiding Judge was authorized to hear motions for a change of venue. She never heard the motion.

The other motion that was filed on July 17, 1998 was a motion to have my file turned over to an investigative agency (supplemental record C235) Because my previous attorney states that he can prove that fraud was committed against me (supplemental R. C97-104).

I repeatly asked for a hearing on the two pending motions that had been filed on July 17, 1998. On July 23, 1998 before Judge Bronstein regarding the motion to have my case turned over to an investigative agency Judge Bronstein told me in open court that he could not hear my motion because this case has a trial date. Defendant Loggans attorney told the court that our motions are heard in room 2005. I later learned that my motion to have my case file transfered to an investigative agency was stricken by Judge Bronstein.

On July 27, 1998 at a hearing in the chambers of Judge Michael Murray I was expecting to find out the status of the two pending motions that were filed on July 17, 1998 there was no court reporter present so I did not want to proceed with the hearing and all pending motions were transferred to the as of then unnamed trial judge (R.C466) The record will show that I was to bring in evidence supporting my motion for a change of venue

(R.00062-00068) I was prepared to show why I wanted my case transferred to different venue, but I wanted a court reporter present. After I had been led to believe that the judge was transfering all matters to the trial judge I later found out on August 3, 1998 after I requested a print out of the activities in my case, that Judge Michael Murray had granted Defendant Susan E. Loggans Motion for Summary Judgment. The motion was granted without my knowledge or presence. Actions such as this is why I wanted my case transferred from this county.

July 31, 1998

I was told that my pending motions were being transferred to the trial judge. (R.C466) On July 30, 1998 I learned that Judge Ronald J.P. Banks was the trial judge. I was still seeking a hearing from Judge Judith Cohen regarding my change of venue motion (R.00073) lines 10-24) (R00074 lines 19-24) The judge Ronald Banks told my wife and I that he had to speak to Judge Cohen concerning the transfer. In regards to my motion for a change of venue Judge Banks told me there is no basis in the law for a transfer to DuPage County (R.00082 lines 1-4) Judge Banks agrees that some of the judges in Cook County have not been fair to me in their rulings (R.00085 lines 19-24). Judge Banks says Judge Cohen has given him authority to rule on the motion for a change of venue (R.00091 lines 1-22) (R.00092 lines 1-8) Judge Banks refuses to transfer the case to another venue even though he agrees that more than one judge has treated me unfairly. I was not allowed to present evidence showing how in addition to those judges several other judges in Cook County have been unfair to me. I was not allowed

to have a hearing in front of the presiding judge Judith Cohen. Also Judge Ronald Banks did not inform me that I have a right to appeal a denial to transfer my case to another venue. Change of venue is an appealable motion Supreme Court rule 306 As a *pro se* litigant I was not aware that I could appeal that denial and the court did not inform me that I could appeal under Supreme Court rule 306.

My wife asked the judge a question concerning my motion for summary judgment. The question regarded the fact that the defendants did not respond to my motion for summary judgment (R.00098 lines 15-24) (R.00099 lines 1-12). The allegations that I made in my motion for summary judgment remain uncontroverted by defendants and that is admitting that the allegations are facts.

On July 31, 1998 Judge Ronald Banks granted defendant Nasif Mahmoud's motion for summary judgment even though he never filed a motion for summary judgment, the record will show such. (R.C467) The order also lists Susan E. Loggans as being granted her motion for summary judgment. On July 27, 1998 I recieved [sic] an order from Judge Michael Murray saying all matters will be transferred to the trial judge (R.C466), but according to the printout showing the actions taken in the case Susan E. Loggans was granted her motion for summary judgment on July 27, 1998. I believe that all the pending motions were being transferred to the trial judge because of the order that Judge Murray issued on July 27, 1998. He misled me by granting Defendant Loggans motion for summary judgment after he had told me that all matters would be transferred. to the trial judge I filed my change of venue motion because of the injustices that I have

recieved [sic] in Cook County over the years after my injury. The printout shows that on July 31, 1998 Nasif Mahmoud was granted his motion for summary judgment, no mention is made of Susan E. Loggans on that date (R.C241) Judge Banks speaks of my summary judgment motion as being a half motion (R. 00088)

Judge Ronald Banks says if I win I will win half of the case (R.00089 line 17) These statements I did not understand at the time he spoke them, but they seem to say that one of the defendants were not party to the hearing on July 31, 1998. Because of the dishonesty of the courts and the lawyers I don't have any way of knowing what the truth is. The printout says one thing and the court orders say something entirely different.

Michael Tarpey attorney for defendant Loggans argued the case on July 31, 1998 after his client had already recieved [sic] her motion for summary judgment on July 27, 1998, he acted as Nasif Mahmoud's attorney. (R.00072-00128)

Defendant Loggans and Defendant Mahmoud should never have been granted their motion for summary judgment. Defendant Loggans created an element to the case that never existed. The interrogatories that had been submitted to the defendants showed that no legal malpractice expert was included on the list of witnesses. (R.C256-258) and (R.C277-283) and the opinion witness was disclosed. The defendant still recieved [sic] an order barring opinion witnesses because of the failure to disclose any. In the record (R.00057 lines 15-24) Defendant Loggans states that his basis for barring the opinion witness is because he does not have the medical opinion

and no liability opinion witness has been identified. However in the hearing of July 31, 1998 before Judge Ronald Banks he states that plaintiff has been barred from presenting a legal malpractice expert. (R.00102). On February 11, 1998 when defendant Loggans was granted the motion to bar plaintiff's wife was going to present the interrogatories that the judge told her to bring in and prove that the defendants had the interrogatories for more than a year, he lied to the court when he said he did not have them. The interrogatories show who was going to testify at the trial. The court should have known that these had been given to the defendants, the court order of February 20, 1997 shows that the court did know the interrogatories had been given to defendants and the opinion witness was to be deposed by May 20, 1997. The court should have known that the defendants were in violation of that court order when the witness was not deposed by May 20, 1997. The court should have enforced its order. The court should not have allowed plaintiff's attorney to withdraw on the eve of plaintiff's last discovery witness.

The court required the plaintiff to answer non-existent interrogatories there were no outstanding interrogatories in October 7, 1997 when plaintiff was told to answer interrogatories (R.00029-00031) The court knew from previous court orders that the interrogatories had been given to defendants. The court continues to deny the fact that the defendants possessed the interrogatories and denied the opinion witness had been disclosed. The court harassed and badgered plaintiff without cause. The court refused to let my wife speak on February 11, 1998

because my wife was prepared to present the interrogatories that showed the witnesses named by my previous attorney.

Defendant Loggans re-designed the case to suit his own objectives. Defendant Loggans states that Plaintiff entered into a new 213(g) schedule after his attorney withdrew that is a blatant lie. (R. 00101). Plaintiff was unrepresented and due to that fact and his educational background was in no position to take on such a task. As I have said before the status of the case after the plaintiff's attorney withdrew was that one opinion that had been disclosed was to be deposed and that would complete plaintiffs discovery. Plaintiff was not able to find representation and the opinion witness Dr. Ferguson's deposition was not taken because plaintiff had no attorney. The only motions that were filed to extend were asking for more time to find counsel (R.C310) and (R.C388). Defendant Loggans re-designed the case stating that a new schedule for disclosure was in effect (R.C338) not withstanding the fact that a previous case management order had not been complied with (R.C293) Defendants were in violation of the court order, (R.C274-275). The doctor's deposition was scheduled for May 15, 1997 one day after Plaintiff's former attorney was granted his motion to withdraw. On May 14, 1997 defendants attorneys Lewis Powell and Michael Tarpey were present in the court room and neither attorney joined me in my motion opposing my prior attorney's withdrawal (R.C295).

Defendant Loggans states that defendants are entitled to be granted the motion for summary judgment because of the order he recieved [sic] barring experts

(R.00104) however if Judge Banks had been familiar with the case he would have known that Defendant Loggans was granted that motion under false pretenses because Defendant Loggans stood in contempt of court when he did not take the doctor's deposition as ordered in February 20, 1997 and that is why discovery was not completed in this case. He had an opportunity to object to lawyer withdrawing at such a critical time in the case, but he did not object. No further orders regarding opinion witnesses should have proceeded until there was compliance with the February 20, 1997 court order.

There are several instances to show the judge was not familiar with the case he asked one of the defendants, Defendant Mahmoud if he filed a motion for summary judgment (R.00093 lines 16-24) because the judge had previously been stating that he is going to hear all the motions for summary judgment, there were only two motions for summary judgment, one by Defendant Loggans and one by Plaintiff. (R.00092 lines 20-24). The judge recieved [sic] the case the evening before the hearing and the file was extensive and that was not enough time for the judge to familarize himself with this case in order for him to make a fair and just ruling. (R00123)

Judge Banks says he won't retry the original case (R.00118-00119) there was no trial in the original case. Judge Banks calls this case a legal malpractice case, but the most important element of the case is that it is a breach of contract case involving fraud (R.C2-75)

Judge Banks reasons for granting defendants motion for summary are baffling I don't understand his logic (R.00121 lines 8-17). Judge Banks points out that no one in

this case follows the Supreme Court Rules (R.00117 lines 3-18). Plaintiff responded to defendant Loggans motion for summary judgment when his wife read Plaintiff Response (R.C389-440).

Defendant Loggans denied misrepresenting the facts to the court, but the evidence will show that he did misrepresent the facts on numerous occasions. (R.00110 lines 20-24) Many instances have been pointed out previously in this brief.

Also a document Defendant Loggans included in the record should not have been part of the record. First of all defendant never noticed me, I never recieved that document, secondly he was given until May 22, 1998 to file his reply. (R.C384)

Plaintiff requested a printout of the activities on his case on January 15, 1999. After review by plaintiff's wife it became clear that someone is manipulating the occurrences in an attempt to let it appear that plaintiff's case was dismissed and defendants did not recieve summary judgment motions granted in their favor. Plaintiff filed two motions to vacate judgments one on August 3, 1998 the other on August 4, 1998. The motions have renamed as motions to reinstate the case, the motions that plaintiff filed were motions to have prior judgments vacated. (supplemental record C239-245) and (supplemental record C246-249) The entries showing the dates that summary judgments were entered for defendants are absent from the printout some one is re-designing the activities in the case to suit their own objectives. The facts are being altered.

Judge Banks denied my motion to vacate the judgment (supplement record C256) it was not a motion for reconsideration it was to vacate a judgment (R.C468) No one acknowledged the August 4, 1998 motion to vacate the July 27, 1998 judgment. The printout states that Judge Banks granted my motion on that day, however the motion that I went before him on that day was denied (supplemental record C256) On December 10, 1998 Plaintiff went before the court on a motion for Leave to File a Supplemental Record in the Appellate Court. Leave was granted (Sup. R.C2) However the print out is showing that on December 10, 1998 an order on a motion to strike or withdraw motion or petition was allowed. No such motion to strike or withdraw anything was filed by plaintiff.

Plaintiff would never agree to dismiss his action he was anxious to go to another county in the hope that he would recieve [sic] a fair hearing in another venue that is why the change of venue motion was filed.

I would like the court to request a print out from the Circuit Court on case 93 L 06743 and please request the complete file because they did not give me my entire file they said that some of the file is lost. Plaintiff's prior attorney is also filing motions and submitting exhibits after he has withdrew from the case for almost two years. Plaintiff is handling his case *pro se* no one should be doing anything in regards to this case without Plaintiff being notified.

THE CIRCUIT COURT ERRED AS A MATTER OF LAW IN NOT ALLOWING A HEARING FOR PLAINTIFF'S *MOTION FOR A CHANGE OF VENUE.*

Plaintiff filed a motion for a change of venue on July 17, 1998 (Supplemental Record C236-237). Plaintiff appeared before the court on numerous occasions seeking a hearing on plaintiff's motion, but plaintiff was never given a hearing. Plaintiff sought this hearing before he was assigned a trial judge, because of prior treatment by judiciary in the Circuit Court System. Trial judge refused to transfer case to another county. (R.00073, 00074, 00086 00092) *Ivery Johnson v. United Motor Coach Co.* 66 ILL.App 2d 295, 214 N.E. 2d 326 (1996) Plaintiff was refused a hearing on his change of venue motion without any valid reason. Plaintiff is entitled to a hearing to determine the merits of his motion. *People v. Ethridge,* 223 N.E. 2d 437; 78 Ill. App. 2d 299; *People v. Morrow,* 241 N.E. 2d 680. Plaintiff was prepared to present the merits of his claim if given an opportunity. Plaintiff's petition alleged prejudice by several judges in Cook County. *Smith-Hurd Stats* c. 146 section 9; *Cory Corporation v. Fitzgerald* 82 N.E. 2d 485. When a court of review finds that the petition for change of venue has been erroneously denied the practice is to reverse the subsequently entered judgment and remand the cause. *Feigen v. Shaeffer,* 256 Ill. App. 493, 100 N.E. 260 (1912); since error in denying change of venue requires a reversal *Johnson v. Johnson,* 34 Ill. App. 3d 356, 340 N.E. 2d 68 (1975); Plaintiffs had an absolute right to change of venue due to prejudice of inhabitants and judges *Anderson v. City of Wheaton* 323 N.E. 2d 129, 25 Ill.App. 3d 100; Had Plaintiff recieved [sic] a ruling on his

motion he would have been able to appeal if he was denied his motion. Supreme Court Rule 306.

THE COURT ERRED WHEN IT DID NOT ENFORCE ITS CASE MANAGEMENT ORDER AND INSTEAD ISSUED A NEW ORDER INVOLVING NON-EXISTENT INTERROGATORIES TO BE ANSWERED.

Judge Lynn Egan did not enforce the court order dated February 20, 1997 that was in effect on May 14, 1997 when Plaintiff's attorney was allowed to withdraw one day before he was to present plaintiff's last discovery witness for deposition. Plaintiff brought a motion asking the court not to allow his attorney to withdraw (R.C295). Defendants attornies [sic] raised no objection to plaintiff attorney withdrawing. Defendants knew that the court order issued on February 20, 1997 would not be complied with. The orders entered are the orders of the court and not the judge. The court remains the same not withstanding a change in the incumbent judges and such change cannot and ought not endanger the rights of litigants. *30 AM Jur. Judges section 38,* One circuit judge may not review or disregard the order of another circuit judge in the judicial system of this state. People ex rel. *Phillips Petroleum Co. v. Gitchoff,* 1976, 357 N.E. 2d 534, 2 Ill. Dec 367, 65 Ill. 2d 249. *People ex rel. Kelly, Ketting, Furth Inc. v. Epstein,* 1974, 335 N.E. 2d 430, 61 Ill.2d 229.

Attorney was allowed to withdraw leaving plaintiff in a inequitable position, *Supreme Court Rule 13 (3)* states that an attorney will be denied withdrawl if it is inequitable. Defendants were in violation of the court order issued in February 20, 1997 and this delayed the litigation. Plaintiff was unable to find representation after

withdrawing attorney had completed most of the discovery save one presentation of plaintiff's opinion witness to be deposed by defendants. Defendants stated on court order that the deposition for the doctor could not proceed because plaintiff did not want an attorney that no longer represented him to take the doctor's deposition. (R. C294) Defendants blamed plaintiff impling [sic] that he is being uncooperative.

Court Rules and orders are not merely suggestions to be complied with if convenient, instead they constitute obligations that counsel disregard at their personal risk and that trial courts must enforce. Courts faced with willful violations of discovery rules or court orders may impose significant sactions [sic] on counsel personally. *Supreme Court Rules 219(c).*

THE COURT ERRED WHEN IT GRANTED DEFENDANTS MOTION FOR SUMMARY JUDGMENT, BECAUSE A GENUINE ISSUE OF MATERIAL FACT EXISTED. THE COURT ERRED WHEN IT GRANTED DEFENDANTS MOTION TO BAR OPINION WITNESSES ON FEBRUARY 11, 1998 (R.C349) BECAUSE OF FAILURE TO DISCLOSE ANY, PLAINTIFF'S OPINION WITNESS A MEDICAL OPINION WITNESS HAD BEEN DISCLOSED BY PLAINTIFF'S PRIOR ATTORNEY IN INTERROGATORIES GIVEN TO DEDENDANTS ON JANUARY 17, 1997 (R.C256-258) AND FEBRUARY 4, 1997 (R.C277-283)

Defendants states that the plaintiff indicated that he wanted to disclose experts all over again (R.00039) That is not true. Please check the record (00017-00021) there is no such statement made by plaintiff. Plaintiff was unrepresented and is illiterate and would never take on such a

task, he would not how to begin. When did defendant present interrogatories to plaintiff, never because there are no outstanding interrogatories, see record, the only interrogatories in this case involving plaintiff are the interrogatories submitted to defendants on 01/17/97 and 02/04/97 by plaintiff's prior attorney. Plaintiff never made such a statement to Tarpey or any one else, as a matter of fact the revised Supreme Court Rules say "no new or additional opinions will be allowed unless the interests of justice require otherwise" Supreme Court Rules 213(g) and 218. The record will show that the court in the the person of Judge Jacqueline Cox misled plaintiff telling plaintiff that he must answer interrogatories, disclose witnesses, line up witnesses when she knew that only one doctor remained to be deposed in plaintiff's case (R.00024-00033). She said the case be dismissed if he does not get moving on it (R.00030). Judge Cox was aware of the status of the case, because Judge Cox issued the February 20, 1997 case management order.

Defendant says that the case has gone nowhere since plaintiff's counsel withdrew (R.00025-00026) therefore he is entitled to an order barring opinion witnesses. That is not a valid reason for him to recieve [sic] an order barring opinion witnesses especially when he is in violation of court order 02/20/97. All proceedings should have been stayed until the order or rule was complied with, Supreme Court Rule 219(c). On February 11, 1998 plaintiff wife appeared before court at the court's request. Plaintiff suffers from chronic back pain as a result of an injury related to this claim and could not attend the hearing day. The court did not allow plaintiff's wife to speak and present the evidence that the court had told her to bring

in on the previous day. (R.00035-00058). That would have proved the defendants were lieing [sic] when he stated that he did not have the interrogatories. The judge granted his motion without hearing from the plaintiff. The motion barring opinion witnesses is the basis of his argument in his motion for summary judgment. He states in his "Motion for Summary Judgment" (R.C353-355) that plaintiff cannot establish a prima facie case sounding in legal malpractice, see point#5. The opinion witness that was barred from testifying was a medical opinion witness, the treating physician (R.00057 lines 15-20).

Defendant mixes the terms expert and opinion witnesses this mixture served to confuse plaintiff. Plaintiff now knows that Supreme Court Rule 220 was abolished and the rules no longer refer to experts, but rather to opinion witnesses. Plaintiff did not know that at the time and thought they were two different types of witnesses. I believe the defendant Loggans used those terms in a deliberate effort to confuse plaintiff violating the rules that govern how an attorney deals with an unrepresented person. *Article VIII Illinois Rules of Professional Conduct Rule 4.3*

Please note that in Defendant Loggans "Emergency Motion to Bar all Opinion Witnesses" dated October 7, 1997 (R.C326). Defendant Loggans states that he recieved [sic] the interrogatory answers and the opinion witness was disclosed, point #2. Then in open court on the very same day October 7, 1997 M. Tarpey attorney for Susan E. Loggans makes contradictory statements in the same narrative (R.00025 lines 11-24) and (R.00026 lines 1-4)

Tarpey first says the opinion witness was disclosed, then he says there has been no disclosure of opinion witnesses. (R.00025-00032) The judge then proceeds to demand that plaintiff disclose witnesses and answer interrogatories. Plaintiff did not know what disclosing a witness meant. The judge knew that the necessary opinion witness had been disclosed, but she made a request none the less for plaintiff to answer non-existent interrogatories. *Article VIII Illinois Rules of Professional Conduct*, Rule 4.1 Truthfulness in Statements to Others; Rule 8.4 Misconduct,#1,2,4,5,7 I believe Micheal Tarpey has violated the rules of professional conduct and eroded public confidence in the integrity of the legal profession because of his misconduct. I believe that both defendant attornies [sic] Micheal Tarpey, of Donohue, Brown, Mathewson and Smyth
140 South Dearborn, Chicago, IL
Lewis Powell III
53 West Jackson Blvd, Chicago IL
had committed gross misconduct and should be disbarred for the stress and mental anguish they have caused my wife and myself.

Defendant Loggans recieved [sic] the order barring opinion witnesses on the premise that no opinion witness had been disclosed, which the record will show by the submission of the interrogatories is an untrue statement, therefore he perpetrated a fraud on the court. On February 11, 1998 Plaintiff was not allowed to defend himself. The judge should have called for another hearing on a day when plaintiff could be present in court.

After defendant Loggans recieved [sic] that order barring opinion witnesses (R.C349) then in March 24,

1998 (RC353-383) defendant moved for a summary judgment based on that fradulent [sic] order. The summary judgment orders were granted on 07/27/98 and 07/31/98 I am not positive about the first date because there is no order in the record in regards to that date the print out however shows a motion allowed for the defendant Loggans on that date. There is a order for the second date (R.C467) There is so much dishonesty on the part of the lawyers and the court that I have to guess at what happened.

The print out shows that Defendnant [sic] Loggans was allowed a motion on 07/27/98 the only motion that was pending for defendant Loggans was a motion for summary judgment. I asked Judge Micheal Murray if he granted a motion for summary judgment for Defendant Loggans on 07/27/98 he said no he did not. The print out for 07/31/98 shows only Defendant Nasif Mahmoud as recieving [sic] a motion for summary judgment on 07/31/98 and he never filed a motion for summary judgment. print out is located in the record (supplemental record C248)

A reviewing court must reverse an order granting summary judgment if it is determined that a material question of fact does exist. *Stade v. Stade, 42 N.E. 2d 631,315 Ill. App. 136* Defendants motion for summary judgment should be reversed. That a judgment was obtained through fraud, duress of collusion is universally held a sufficient reason for opening or vacating such a judgment before or after term at which it is rendered. *1951 Law Forum 137. Forest v. Forest, 291 N.E. 2d 880, 9 Ill App. 3d 111.*

The court has held that fraud in obtaining judgment as by concealing or misrepresenting facts to court constitutes sufficient reason for vacating judgment. *Nash v. Park Castles Apartment Bldg. Corp. 50 N.E. 2d 725, 384 Ill. 68.*

THE CIRCUIT ERRED WHEN IT DID NOT GRANT PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT WHEN PLEADINGS, DEPOSITIONS AND EXHIBITS SUPPORT PLAINTIFF'S ALLEGATIONS AND DEFENDANTS FILED NO RESPONSE TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

Plaintiff filed a "Motion for Summary Judgment" on June 15, 1998, (supplemental record C3-192) to which Defendants brought no response. On July 31, 1998 in the courtroom of Judge Ronald Banks My wife asked the judge "Isn't it true that since he didn't put up any defense to my allegations that I am entitled to win this summary judgment?" The court said "No, ma'am that's not true." (R.00098-00099).

Since the defendants did not respond my allegations stand as admitted by defendants. The court has said that if the opposing party to the motion for summary judgment files no counter affidavits, the material facts in movants affidavits stand as admitted. *Wooding v. L and J Press Corp. (1981),99 Ill. App. 3d 382,385,54 Ill.Dec 838 841,425 N.E. 2d 1055, 1058.* A party opposing a motion for summary judgment supported by affidavits cannot defeat the motion by relying solely upon his complaint. *Carruthers v. B. C. Christopher and Company (1974), 57 Ill. 2d 376 380, 313 N.E. 2d 457.*

Plaintiff asks this court to grant my motion for summary judgment because plaintiff has established a prima

facie case for fraud. An affidavit that alleges conduct which if proved at trial constitutes fraud, is sufficient to establish a prima facie of fraud. *Colonial Bank and Trust Co. v. Kozlowski 106, Ill.App. 3d 639,* 435 N.E. 2d 1251, 62 Ill. Dec 279 (1st Dist 1982)

If a party supplies facts which if not contradicted would entitle the party to summary judgment as a matter of law, the opposing party cannot rely upon his or her complaint or answer alone to raise genuine issues of material facts. Defendants did not answer Plaintiff's "Motion for Summary Judgment" and Plaintiff asks this court to grant his motion for summary judgment as a matter of law. If you don't grant my motion for summary judgment, then please transfer my case file to DuPage County as I asked for in my motion for change of venue (Sup.R. C236) and please honor my motion asking to have my file turned over to the proper investigative agencies (Sup.R. C235).

I hope that you will grant my motion for summary Judgment against the defendants, because I know that you have the jurisdiction to grant my motion I have been under a great deal of pressure trying to be my own lawyer and recieving [sic] no support from the judicical [sic] system I would like to know what it is like to be treated with fairness from some judicial tribunal.

My previous attorney said that he could prove fraud. (Sub.R. C97-104) He said that he could prove fraud was commited [sic] against me. According to the Illinois Rules of Professional Conduct, Article VIII, the preamble states "Lawyers also must assist in the policing of lawyer misconduct. The vigilance of the bar in preventing and,

where required, reporting misconduct can be a formidable deterrent to such misconduct" It was his duty as an officer of the court to give that information to the proper authorities. Nasif Mahmoud one of the defendants in this case states that he also was defrauded by Susan E. Loggans (R.C 287 #71) in his answer to the complaint. I believe my civil rights have been violated and I believe I have been discriminated against because I am an African-American.

The defendants recieved [sic] their judgments through fraud and deception Defendant Mahmoud did not file a motion for summary judgment and he still recieved [sic] one, I believe defendant Loggans concealed the judgment he recieved [sic] on 07/27/98. The only motion pending for Defendant Loggans on that day was a motion for summary judgment and the print out shows that Defendant Loggans was allowed a motion on that day. Also the print out only mentions Nasif Mahmoud as being granted a motion for summary judgment on 07/31/98 (Sup.R.C 241). Since Plaintiff does not know what the truth is and in the event that the order of July 31, 1998 is the true document releasing both defendants (R. C 467) then that is the order that I pray be reversed.

Susan E. Loggans is politically well connected and I believe she knows a lot of influential people in the Cook County judicial system, Baker and McKenzie the world's largest law firm was representing her and after deposing a witness that was going to testify in my behalf that law firm resigned, because they recieved [sic] testimony that was in conflict to the information that Susan Loggans was giving them. I believe they felt that they would not be able to win this case. The lawyers that are handling her

case now are using fraud and deception to get favorable judgments, They do not want to address the facts and deal with the real issues in this case. That is my belief and I will go to my grave believing that.

RESPECTFULLY SUBMITTED

LLOYD COX

/s/ Lloyd Cox

pro-se

APPENDIX

Notice of Appeal filed August 24, 1998

(Reprinted at App. 78 to 79 *supra*)

Order James D. Montgomery and Assoc. Withdrawal May 14, 1997

(Reprinted at App. 79 to 80 *supra*)

Order Motion to Bar Opinion Witnesses continued Feb. 10, 1998

(Reprinted at App. 80 to 81 *supra*)

Order Motion to Bar Opinion Witnesses granted Feb. 11, 1998

(Reprinted at App. 81 to 82 *supra*)

Order Judge Micheal Murray (transfers) all matters July 27, 1998 questions surround this order

(Reprinted at App. 82 to 83 *supra*)

Order Judge Ronald Banks grants summary judgment to defendants questions surround this order dated July 31, 1998

(Reprinted at App. 83 to 84 *supra*)

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APPENDIX L

ILLINOIS APPELLATE PRACTICE MANUAL

Appellate Jurisdiction in General Appellate jurisdiction is the authority of a superior tribunal to review, reverse, correct, or affirm the decisions of an inferior court (or of a tribunal having the attributes of a court) in cases where such decisions are brought before the superior tribunal pursuant to law. [4 Am Jur 2d § 1, Appeal and Error] Appellate jurisdiction is derived from the constitutional or statutory provision by which it is created and can be acquired and exercised only in the manner prescribed. [4 Am Jur 2d § 4, Appeal and Error] The determination of the existence and extent of appellate jurisdiction depends upon the statutory or constitutional provisions in which it has its source. [4 Am Jur 2d § 1, Appeal and Error]

Constitutional Right of Review The basis for the right of appellate review in Illinois has been found in the constitution and not in the statutes (i.e., Section 6 of Article VI of the Constitution of 1970). [*Hamilton Corp. v Alexander,* 53 Ill 2d 175, 178, 290 NE2d 589 (1972); *In re Organization of Fox Valley Community Airport Authority,* 23 Ill App 3d 168, 318 NE2d 496 (2d Dist 1974)] Furthermore, the constitutional right of appeal must be perfected

within the procedural framework established by the legislature and the rules of the Supreme Court.

* * *

View from the Bench The Supreme Court's jurisdiction over the Appellate Court extends to rulings on bonds, dismissals of appeal, etc., and the Court may exercise that jurisdiction in cases via a petition to its supervisory orders.

Constitution of Illinois Article

§ 6. Appellate Court – Jurisdiction

Appeals from final judgments of a Circuit Court are a matter of right to the Appellate Court in the Judicial District in which the Circuit Court is located except in cases appealable directly to the Supreme Court and except that after a trial on the merits in a criminal case, there shall be no appeal from a judgment of acquittal. The Supreme Court may provide by rule for appeals to the Appellate Court from other than final judgments of Circuit Courts. The Appellate Court may exercise original jurisdiction when necessary to the complete determination of any case on review. The Appellate Court shall have such powers of direct review of administrative action as provided by law.

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§ 16. Administration

General administrative and supervisory authority over all courts is vested in the Supreme Court and shall be exercised by the Chief Justice in accordance with its rules. The Supreme Court shall appoint an administrative director and staff, who shall serve at its pleasure, to assist the Chief Justice in his duties. The Supreme Court may assign a Judge temporarily to any court and an Associate Judge to serve temporarily as an Associate Judge on any Circuit Court. The Supreme Court shall provide by rule for expeditious and inexpensive appeals.